



DRAFT NATIONAL PLANNING POLICY FRAMEWORK

A response by the Campaign to Protect Rural England (CPRE) to the Department for Communities and Local Government consultation

October 2011

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Executive Summary

i. This is the full response by the Campaign to Protect Rural England (CPRE) to the Government's consultation on the draft National Planning Policy Framework (NPPF). We are both a leading environmental charity and one of the country's main voluntary sector participants in the planning system, with branches in every English county and local groups in most local authority districts. We believe that good planning, through protecting and enhancing the countryside and wider environment, and steering development to sustainable locations, is critical to economic prosperity, well-being and quality of life. Our response is set out in three sections.

ii. CPRE has strong concerns that the draft NPPF would be both unworkable and damaging as a statement of national planning policy. The draft policies threaten both the long term health of our countryside and sustained investment in urban areas, and seek to promote economic growth seemingly at any cost, rather than development that is truly sustainable. We set out our **key concerns** and points of evidence in this summary, followed by our key recommendations to address these issues.

iii. **Economic development should not have primacy over, and should be properly integrated with, environmental and social considerations.** Sustainable development is a central theme of the draft NPPF. The opinion of CPRE's Honorary Standing Counsel, however, is that a clear definition of the term 'sustainable development' has not been provided. We are also concerned that the terms 'sustainable development', 'development' and 'sustainable economic growth' are used interchangeably throughout the document. We perceive a critical lack of integration between policies promoting economic growth and those concerned with environmental and social issues, much to the detriment of the latter two and contrary to the established definition of sustainable development. If this language is retained in the final document it will unbalance the decision-making process.

iv. **The primacy of development plans in deciding planning applications should be reinforced.** The plan-led system is designed to ensure integrated, sustainable development and that most planning decisions are taken locally as Ministers intend. We recognise that Ministers have stated that it is their intention to reinforce the plan-led system but we are concerned, based on the opinion of CPRE's Counsel, that the draft presumption in favour of sustainable development will in fact critically undermine local planning, leading to a dysfunctional planning system.

v. An analysis by CPRE shows that almost half of England's local authorities (48 per cent) will be without an adopted Core Strategy development plan document on 1 April 2012 when the NPPF is intended to come into force. Almost a fifth (17 per cent) of local plans are still likely to be missing a year later. This means that, if the NPPF is not altered and no effective transitional arrangements for local planning are provided, planning applications in those areas will be decided primarily in accordance with national rather than local planning policy.

vi. Further CPRE analysis of Government statistics has also led us to conclude that the proposed presumption would, by encouraging development proposals to be granted wherever possible or when a plan is absent, silent or out of date, cause a considerable increase in the number of appeals against refusals of planning permission. If the economy recovers as the Government intends, and no additional resources are provided to ensure comprehensive local plan coverage, a potential return to levels last seen in 1989/90, when 32,000 appeals were made, is a likely scenario. This would represent a near doubling of the number of appeals submitted in 2010/11.

vii. **'Smart growth' should be promoted in the NPPF. This includes making more efficient use of land, using previously developed land where it is available before greenfield sites, and better integrating transport and land use planning.** Urban regeneration has been a central and highly successful part of planning policy, so we are particularly concerned that it attracts little support in the draft NPPF.

viii. Of particular concern to CPRE in this respect is the apparent loss of the existing 'brownfield first' policy. If this policy is not in the final NPPF, investment in urban areas would be undermined and there will be greater pressure to develop greenfield sites, as a result of more out of town development. We do not agree with the Government's argument that the references in the draft to using land of least environmental value are an adequate replacement for what has been a very successful planning policy priority in recent years.

ix. The Government's evidence for moving away from a 'brownfield first' approach appears to be based on the underlying misconception that the overall supply of brownfield land will not be replenished sufficiently as development is directed to previously-developed sites. The same evidence used for the Impact Assessment, however, suggests that across England as a whole, the amount of brownfield land available for development actually increased by over 10% from 2001 to 2009. Net gains were also registered in London, the South East and South West regions. This took place during years where there were significantly higher overall levels of housebuilding than in the years 2009-11. Brownfield land is therefore a demonstrably renewable resource and the evidence does not support the Government's contention that the supply of brownfield land will run out in high demand regions within four years.

x. A key component of 'smart growth' is focusing significant development where there are the highest levels of accessibility by sustainable modes of transport, such as in town centres, and ensuring that such developments are of sufficient density to maximise the benefits of such accessibility. We recognise the Government has committed to the town centre first approach to the location of retail and leisure uses, but this is insufficient in itself. As well as retaining the brownfield first approach for new housing, the final NPPF should also strengthen the 'town centre first' policy and retain the requirement to locate new office development in town centres before out of town sites. The final NPPF also needs to integrate land use and transport planning far more effectively than the draft.

xi. CPRE does not believe that a requirement to identify an increased (20%) area of developable land for housebuilding, or discourage the use of brownfield 'windfall' sites, will help speed the delivery of new homes. The majority of new housebuilding in England is carried out by the largest housebuilding firms. We present analysis showing that the gap between the landbanks (with outline planning permission or better) of the largest housebuilders on the one hand, and overall housing starts on the other, has doubled since 1998. In CPRE's view these figures show that the problem is not one of local authority planners allocating insufficient land for development or proposals not being granted planning permission. Rather, proposed policy, by forcing local authorities to allocate more land for housing development, will exacerbate an already growing problem by encouraging large housebuilding companies to buy up more land and control, to an even greater degree than now, the amount of housing being built.

xii. **Planning protection for those areas of countryside not covered by national designations should be retained.** Undesignated countryside, which includes much of our natural heritage and historic landscapes, covers more than half of England. Under existing national planning policy, local planning authorities are required to protect the natural environment, including the countryside, for the sake of its intrinsic character and beauty. This requirement should be retained in the draft NPPF. Such a statement would also reflect existing Government commitments set out in the Natural Environment White Paper, *The Natural Choice: securing the value of nature* (June 2011), which was underpinned by the UK National Ecosystem Assessment (2011). Counsel's opinion is that the loss of this policy, in conjunction with the draft policies overall, 'will represent a significant weakening of countryside policy'.

xiii. While the Government has repeatedly stated that policies to protect the Green Belt and nationally designated landscapes will be retained, which CPRE welcomes, we also believe that these should be made clearer and potential loopholes in them should be closed. Counsel's opinion emphasises in particular the need to retain the current presumption against inappropriate development in the Green Belt. We welcome the introduction of the Local Green Space designation in principle, but the draft policy is unduly restrictive on designation criteria and, conversely, too flexible to ensure effective protection of small green spaces from inappropriate development.

xiv. **The delivery of affordable housing in appropriate locations to meet identified needs, particularly in rural areas, should be promoted rather than undermined.** We recognise there is a need for more housing in many parts of the country, and in rural areas there is a particular need for more affordable housing. We are aware that the Government aims overall to deliver more

houses than are currently being built, but we are concerned that the draft NPPF will actively hinder, rather than aid the delivery of, rural affordable housing. Draft policies emphasising the viability of development to developers and landowners, and allowing cross-subsidy of market for affordable units are likely to cause particular problems in this respect.

xv. CPRE is particularly concerned that rural exception sites are not mentioned. While we would prefer affordable housing to be delivered through the plan-led system this is not always possible. So, despite its drawbacks, the existing exception site policy should be retained if there is no appropriate alternative.

Key recommendations to address these concerns

xvi. To address the concerns we have about the contents and workability of the draft NPPF, CPRE wishes to make a number of detailed recommendations. These include, but are not limited to:

- The five principles in the UK Sustainable Development Strategy (2005) should be stated in paragraph 10. This would then ensure that references to environmental limits, a critical component of sustainable development, are included within the document.
- If the term ‘sustainable economic growth’ is to be used in the NPPF it should also be defined. The definition should reflect the definition set out in current national planning policy.
- Paragraph 14, which sets out the main wording for the presumption in favour of sustainable development, should be reworded to ensure the retention and strengthening of the plan-led system. The third bullet point should be replaced with: *‘decide the application in accordance with the relevant policies in this Framework and other material considerations where there is no relevant Local Plan policy. Permission should be granted in these cases if the proposal would further the achievement of sustainable development and meet the needs and aspirations of the local community.’*
- Paragraph 39 on ensuring viability and deliverability should be simplified to read: *‘To enable a plan to be deliverable, the sites and the scale of development identified in the plan should not be subject to unnecessary obligations and policy burdens that threaten their ability to be developed viably’.*
- Paragraph 78, which sets out a sequential approach to allocating sites for retail and leisure uses, should also make specific reference to office development.
- The transport section, paragraphs 82 - 94, needs to be substantially rewritten to ensure that it promotes the need to secure modal shift for people to public transport, walking and cycling and to ensure development is focused in locations which are really sustainable.
- Paragraph 109, which sets out the principles for meeting housing need, should include an additional principle, which states that local planning authorities should implement a sequential approach to land use for housing. The sentence *‘the supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land’* is deleted.
- Paragraph 112 should be amended to ensure that local planning authorities can support the delivery of affordable housing in response to local need. This includes stating that where need is identified, local planning authorities should respond where possible by allocating small sites solely for affordable housing. The existing rural exception site policy should also be explicitly stated.
- Paragraph 142 should include, before the existing text, the following: *‘There is a presumption against inappropriate development in the Green Belt’*. Other potential loopholes in the draft policy need to be closed and there should be a neutral approach to the creation of new Green Belts, allowing for full local debate on whether they are appropriate.
- Paragraph 163, which sets out the objectives of the natural environment section, should also state: *‘Local planning authorities should ensure that the natural environment, including the countryside, is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources including soil and food production capacity, and to ensure it may be enjoyed by all.’* Policies on nationally designated landscapes, Best and Most Versatile (BMV) agricultural land and tranquillity also need strengthening.
- There should be a transitional period, ideally of three years, to enable local planning authorities to produce and adopt local plans that take account of the final NPPF. During this period it should be possible for certain planning applications to be refused on grounds of prematurity.

Introduction

1. The Campaign to Protect Rural England (CPRE) welcomes the opportunity to respond to the Government's consultation on the draft National Planning Policy Framework (NPPF). As a leading environmental charity, we have worked to promote and protect the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources since our formation in 1926. We are one of the country's leading voluntary sector participants in the planning system, with branches in every English county and local groups in most current local authority districts.
2. The planning system seeks to integrate environmental, social and economic interests and aims to make decisions on land use and development in the long term public interest. Since the creation of the current system in 1947, CPRE has played an integral role in the evolution of the system and in shaping development patterns. Planning is a crucial tool in ensuring a sustainable future for our country. While planning legislation is important so too is national planning policy.
3. As stated in our charter for planning reform, *Making Localism Work for the Countryside*, published in October 2010, CPRE believes that the Government's proposals have the potential to revitalise planning and enable all of us to play a part in protecting and enhancing the countryside and regenerating our towns and villages. We welcome the Government's aspiration to put local communities in charge of land use planning through Local and Neighbourhood Plans but this must be within the right national policy framework. The contents of the NPPF, therefore, are critical. At present we are concerned that the draft NPPF will actually undermine rather than enhance local choice and decision making.
4. We recognise the need to improve the current economic position but this should not be at the expense of the environment. We agree with the Government that development and environmental enhancement are not mutually exclusive. We are concerned, however, that the draft NPPF threatens the long term prosperity of our countryside by seeking to promote short-term economic growth rather than development that is truly sustainable.
5. We have compiled our response based on evidence from our extensive experience of national and local involvement in planning, as well as from seminars that we have held for our network of local branches and for invited experts throughout 2011. Our response also draws from the substantial input we have provided to the Government on the draft NPPF to date. This input comprised full and detailed submissions to both the call for suggestions issued by the Minister for Decentralisation in February 2011, and in response to the draft NPPF issued by the Minister's Practitioner Advisory Group in May 2011, as well as regular meetings with Ministers and officials. We have also incorporated advice received from CPRE's Honorary Standing Counsel, which is reproduced in full at Annex 1 and referred to at relevant points within this response. We are also parties to Wildlife & Countryside Link's response to this consultation. We are content for this response to be made publicly available.
6. In light of the importance of the draft NPPF we have set out our response in three sections. The first section sets out our overarching comments about the NPPF and raises some issues that we do not feel are adequately covered by the consultation questions. The second section sets out our responses to some of the consultation questions. The third and final section makes specific recommendations for changes to the wording of the draft document.

Section 1: Overarching comments

7. A number of overarching themes and key concerns run throughout our response which are summarised in this section. We also make comments here about the core planning principles set out in paragraph 19 of the draft NPPF because there is no specific question on these in the consultation paper. In CPRE's view, getting these principles right is critical.

Ensuring development is truly sustainable

8. We very much welcome the Government's professed commitment to sustainable development but we are concerned that this is not reflected throughout the NPPF. While we do not object in principle to a presumption in favour of sustainable development that is in line with the local plan we are concerned that language about the need for economic growth throughout the document means that this document is skewed towards facilitating economic growth at any cost, rather than promoting development that is truly sustainable. Paragraph 13, for example, states 'Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system'. This paragraph needs to be redrafted.

9. CPRE strongly supports both the purpose of the planning system, to contribute to the achievement of sustainable development (as set out in the Planning and Compulsory Purchase Act 2004), and the manner in which this purpose should be achieved, by operating in the public interest. Planning should continue to have this wide role of integrating economic, environmental and social factors.

10. We view the planning system as a vital tool for achieving the protection and enhancement of the natural environment. This is a key sustainable development objective stated in the Natural Environment White Paper, a document that CPRE has broadly welcomed, particularly with regard to its underlying objective of achieving net environmental gain. In terms of surface area, most of the natural environment as defined in the White Paper consists of the open countryside. We believe that current national planning policies can be streamlined without losing important detail. But we do not believe that the draft NPPF is fit for purpose. If it were implemented in its current form, it would lead in our view to a dysfunctional planning system that would not achieve many of the objectives, particularly on environmental protection and enhancement, that the public expect of it and the White Paper aspires to.

11. The final NPPF should include a clearer definition of sustainable development. Opinion we have received from Counsel (reproduced in full at Annex 1) states that 'the NPPF does not provide a clear definition of what it means by sustainable development, or indeed any statement of what are the sustainable development principles to which it refers'. We recommend that this definition should include the five core principles of the current UK Sustainable Development Strategy (2005), *Securing the Future*. This would help ensure that it gave significantly more weight to the social and environmental consequences of development. The NPPF should also be clear that a development proposal should be refused permission if it would undermine these principles, in particular the need to respect the quality of the environment and to live within environmental limits.

Promoting the plan-led system

12. The plan-led system plays an essential role in ensuring development is directed to the most sustainable locations. It will also be crucial in delivering the Government's commitment to devolving power to the local level. We welcome the statement in paragraph 19 that 'planning should be genuinely plan-led' but we are concerned that this would be severely undermined by the current wording of the presumption in favour of sustainable development, and the current lack of transitional arrangements. In our Counsel's Opinion (see Annex 1), the approach taken in the draft presumption 'will make it relatively easy to side line the development plan and thus effectively weaken the plan-led system'.

13. The proposed presumption in favour of sustainable development should reinforce the primacy of development plans in deciding planning applications. The presumption should be that if a development is not in line with the development plan it should normally be rejected unless the planning authority is confident that the developer has engaged with the local community, can clearly justify why the development plan should be overridden, and has demonstrated that the

development would be sustainable. The draft instead states that proposals should only be rejected if their adverse impacts would 'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. CPRE considers this to be an unacceptably exacting test and we do not believe that it would be workable in practice. It should be redrafted to make clear that only relevant policies in the NPPF should be a factor, in line with established practice for taking Government policy into account in decisions on planning applications. We have suggested amended wording for the presumption in section 3 (see pp.36-37) of this response.

14. Detailed transitional arrangements also need to be developed urgently so that local planning authorities are given time to ensure their Local Plans take into consideration new national policy, or to get a plan in place where they do not have one. CPRE analysis shows that, were the Government to adopt the NPPF by 1 April 2012, as we understand was originally intended, almost half (48%) of all England's local authorities would have no adopted Core Strategy in place. Similarly, the radical changes proposed by the draft NPPF would raise grave doubts about the currency of those plans which have been adopted to date. We are therefore concerned that without these arrangements, which should allow for planning applications to be refused on grounds of prematurity, on the day the NPPF is launched we will see a return to planning by appeal as developers submit applications in the absence of 'up to date' local plans and local planning authorities seek to protect their area from inappropriate, unsustainable and unnecessary development. This would undermine the Government's commitments to both the plan-led system and to localism.

15. In addition to effective transitional arrangements, the entire NPPF should be revised to ensure there is consistency throughout the document if the Government is to achieve its aim of a quicker, more certain and more accessible planning system. In its present form we are concerned that there is great potential for lawyers to dissect the document on appeal for years to come, and for case law to become the main determinant of planning decisions.

16. First, we recommend that the Government carefully reconsiders the language it uses in the draft NPPF to ensure it provides clarity for decision makers. This is particularly important because the NPPF is meant to be read as a whole. Below are five examples of wording used in the document that we believe could be significant grounds for long debates on appeal:

- Paragraph 13 - 'significant weight' - in relation to economic growth
- Paragraph 14 - 'significantly and demonstrably' - in relation to the presumption in favour
- Paragraph 54 - 'significant weight' - in relation to economic and housing growth
- Paragraph 127 - 'very significant weight' - in relation to new schools
- Paragraph 167 - 'great weight' - in relation to National Parks and Areas of Outstanding Natural Beauty (AONBs)

17. If the contention is that 'significant' would outweigh 'great', and this language was used intentionally, then this further reinforces our concerns above that the draft NPPF seeks to promote short-term economic growth at the expense of sustainable development.

18. Linked to this concern there is also a need for consistency in language regarding sustainable development - particularly as it is the Government's intention that it should underpin planning reform. At the moment the draft NPPF seems to use the terms 'sustainable development', 'development' 'sustainable economic growth' and 'economic growth' interchangeably. For example:

- Paragraph 13, which is the first paragraph under the presumption in favour of sustainable development sub-heading, states 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth... Therefore, significant weight should be placed on the need to support economic growth through the planning system'.
- Paragraph 19, second bullet point, states 'planning should proactively drive and support the development that this country needs'.

19. If the term sustainable economic growth is to be used in the document then it should be clearly defined so people understand what is meant by the term. We would support the use of the definition currently in Planning Policy Statement 4: *Sustainable Economic Growth* (PPS4), which is

‘economic growth that can be sustained and is within environmental limits, but also enhances the environment and social welfare, and avoids greater extremes in future economic cycles.’

Urban regeneration and efficient use of land

20. Urban regeneration has, since the 1970s, ensured the effective renewal of many of our major cities, making them more pleasant places to live and work. But significant areas of urban decay and under-use remain in all parts of England. We are thus surprised that, in the draft NPPF, there is very little support for urban regeneration. We are concerned that the cumulative impact of various policy changes will result in the continued degradation of many urban areas and increases in pressure from development on greenfield sites.

21. The NPPF should promote, as a core planning principle, the benefits of ‘smart growth’ in terms of making efficient use of land, reducing the need to travel particularly by car, promoting a sense of community, and the economic benefits to places of an agglomeration of uses, including making local services more viable. We are deeply alarmed at the proposed removal of the policy to use previously developed land for new housing before greenfield sites. We do not agree with the Government’s argument that the references in paragraphs 19 and 156 to land of least environmental value are an adequate replacement for what has been a very successful planning policy priority to date.

22. A key component of ‘smart growth’ is focusing significant development where there are the highest levels of accessibility by sustainable modes of transport, such as in town centres, and ensuring that such developments are of sufficient density to maximise the benefits of such accessibility. CPRE welcomes the continued overall commitment to the town centre first approach to the location of retail and leisure uses, but this is insufficient in itself and the draft appears to introduce a number of loopholes, for example on office development. As well as retaining the brownfield first approach for new housing, and strengthening the town centre first approach to retail and leisure development, the NPPF should also retain the requirement to locate new office development in town centres before out of town sites, both central themes of planning policy since the mid-1990s. It should require local planning authorities to set local targets for the reuse of previously developed land for new housing in their areas, and encourage efficient use of land for housing at densities that will ensure viable, sustainable communities.

23. Integration of land use and transport planning is crucial to securing sustainable development. As the former Chief Scientist to the Department for Transport (DfT) has pointed out in a letter to a specialist transport magazine, however, dropping the ‘brownfield first’ policy is likely to lead to more traffic and demand for more roads to be built; an impact that was not adequately addressed in the Impact Assessment.¹

24. To ensure urban regeneration is not undermined, CPRE believes that the proposed new requirement for local authorities to identify a five year supply of developable land for new housing with an additional allowance of 20% should be removed from the NPPF. If it is retained we believe the ability of local authorities to secure sustainable development, by requiring the use of previously developed land first, will be significantly undermined. The more land local authorities have to allocate within a comparatively short (five year) timescale in terms of site assembly and preparation (particularly for many brownfield sites), the greater pressure there will be to allocate greenfield and potentially Green Belt land. The general presumption against the use of windfall sites is likely to considerably exacerbate this problem.

Undesignated countryside

25. While we welcomed the commitment in the Coalition Agreement to continue the levels of protection for designated areas, including Green Belts and Areas of Outstanding Natural Beauty (AONBs), we are concerned that the Government has subsequently overlooked areas of countryside that are outside designated areas in the draft NPPF. The lack of recognition for the value of undesignated countryside seems to disregard the findings of the UK National Ecosystems Assessment, which was the first analysis of the UK’s natural environment in terms of the benefits it provides to society and continuing economic prosperity, and potentially undermine the commitments made in the Natural Environment White Paper.

¹ Reported in the Daily Telegraph 7 October, <http://www.telegraph.co.uk/earth/hands-off-our-land/8812409/New-planning-rules-will-mean-more-rural-roads.html>

26. More than half of the English countryside is outside designated areas and this includes much of our natural heritage and historic landscapes. The need to protect the wider countryside for its intrinsic value or 'for its own sake', should be included in the final NPPF. Without such a policy steer swathes of countryside will be largely unprotected from damaging development.

Core principles

27. Provided that the key principles of sustainable development are set out in the NPPF to provide a clearer definition, CPRE is able to welcome many of the core planning principles stated in paragraph 19 of the draft NPPF as a means of translating sustainable development for local decision makers. One of our principal concerns with the draft core principles, however, is that they omit three crucial aspects that are vital to ensuring both sustainable development and that planning operates in the public interest: namely, taking account of the range of effects of development on society and the environment as well as the economy; ensuring that plans and decisions are properly based on analysis, evidence and soundly backed judgement; and requiring full account to be taken of the need for transparency, information, and public participation.

28. These should be clearly stated as core planning principles to assist both the implementation of relevant legal requirements (such as on environmental assessment, access to information, and procedural fairness) and the Government's agenda of increased transparency within local government. We recommend that wording already contained in paragraphs 26 and 27 of Planning Policy Statement 1: *Delivering sustainable development* (PPS1) could be inserted into the NPPF and cover all of these points effectively. We also believe that prioritising the reuse of previously developed land should be clearly stated as a core planning principle.

29. CPRE is seriously disturbed about the wording of the second bullet point, which reinforces our concerns about the emphasis being placed on promoting development at almost any cost, rather than ensuring sustainable development in line with the views of the community. It is not the role of the planning system to 'proactively drive' development. The role of planning should be to help local decision makers identify local needs and set out how that need should be met most sustainably. This bullet point should be reworded accordingly and the reference to a 'default yes' should be deleted (see Section 3, p.37 for specific recommendations for rewording).

30. The broad intentions in the core principle covering transport are welcome, specifically the focus on public transport, walking and cycling as well as focusing growth with good accessibility by those modes. But this principle is insufficiently clear and does not go far enough. It is not clear, for example, what 'fullest possible use' actually means - whether it is compared to what is normal in England now or what is achieved in other countries, for example - and so how it might be interpreted in practice.

31. Instead we believe that the core transport principle should include an aim to secure, through both planning policies and decisions, significant modal shift and increased travel choice. This would align the NPPF with both Scottish and Welsh national planning policies². A separate spatial principle to minimise journey distances and focus significant development in areas with the best relative accessibility by sustainable modes should complement this.

² Planning Policy Wales 8.1.1 and Scottish Planning Policy 165

Section 2a: Responses to consultation questions

Question 1a and b: The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

32. CPRE strongly disagrees with this statement.

33. The current draft of the presumption is, in CPRE's view, little more than a presumption in favour of development, with minimal or no regard as to whether development genuinely integrates economic, environmental and social goals. The Brundtland Commission definition of sustainable development is cited, as it is in the existing PPS1. There is no clear definition of what sustainable development means in practice, however, with users expected to read across the whole document for interpretation. We believe that this is insufficient, and that it is crucial, if the NPPF is intended to be the Government's future definitive statement on planning and sustainable development, that it should reiterate the five core principles of the 2005 UK Sustainable Development Strategy.

34. We are also concerned that there is a grave risk of developers resorting to the planning appeals process to a significantly greater degree than has been the case since the introduction of the plan-led system of development in 1991. If this took place it would be the antithesis of localism and of the Minister's desire for 'fewer appeals to the Planning Inspectorate and more decided locally'³. It would also contradict the Government's stated desire for a fast, efficient and more certain planning system. The risk of the presumption leading to more appeals has been noted in the Government Impact Assessment for the NPPF, but it stated that 'it is difficult to quantify the scale of this risk'.

35. CPRE has analysed the Government's development control statistics (see Annex 2, Table 2) from the late 1980s, when the general presumption in favour of development was in force, and the current situation with regard to progress in adopting local authority plans (summarised in our response to question QB1.2 below). From these we have concluded that the proposed presumption would be likely to lead to a considerable increase in the number of appeals against refusals of planning permission. If the economy recovers as the Government intends, and no additional resources are provided to ensure comprehensive local plan coverage, a potential return to the 32,000 mark last seen in 1989/90 is a likely scenario. This would represent a near doubling of the number of appeals submitted in 2010/11.

36. We are not convinced that, in the short term at least, the Government's proposed neighbourhood plans will plug the policy gap in order to prevent a greater resort to planning appeals. It is therefore vital that the presumption in favour of sustainable development is completely redrafted. The Government should also give greater positive support, both financially and through the NPPF, for area-wide local planning.

37. The main issues that need addressing are as follows:

- The policy should recognise cases where a local authority has made significant progress towards adopting a plan, and that delays to planning decisions can often be caused primarily by the actions of developers rather than local authorities. The draft wording could be taken to suggest that a local authority would be generally required to grant permission unless a plan had actually been adopted, or even in cases where delay had been caused by developer intransigence.
- The term 'out of date' should be removed, or at least defined. The current wording is particularly likely to result in greater resort to appealing or litigation, not only in relation to individual applications but potentially also to the adoption of plans.
- The requirement for decision makers to demonstrate that 'the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole' when refusing planning applications is at best unclear and at worst unreasonably onerous. It would inappropriately shift the burden of proof from developers to local authorities and local communities. The NPPF should state clearly that applicants should be required to demonstrate clearly that a proposed development would be sustainable. Although the draft states that planning policies and decisions should be 'compatible with, and where appropriate further' the achievement of relevant statutory obligations, the policy would not in our view help with the implementation of many such obligations, for example on Environmental Impact Assessment. The guidance to the decision

³ House of Commons Hansard 17 May 2011

maker should make clear that where a development could lead to an environmental limit or constraint being exceeded then that would be grounds for refusing an application.

- Instead, it should be made clear that only policies in the NPPF that are relevant to the application at hand should be weighed into any assessment. This would fit neatly with both the existing planning law requirement to decide applications in accordance with the development plan and any material (i.e. relevant) considerations, and existing Government practice in decisions on called in applications, which cite only relevant Planning Policy Guidance (PPG) or Planning Policy Statement (PPS) policies rather than all elements of the PPG/PPS series.

38. For the Government to be able to ensure that the presumption actually delivers genuinely sustainable development, and does not come at the expense of its commitments to localism or protecting the natural and historic environment, the NPPF should reverse the presumption in relation to planning applications in a number of specific cases (see Section 3 for our suggested rewording of paragraph 16 of the draft). There is already an example of how this might be set out in paragraph 16 of the draft, covering internationally protected wildlife sites. The Government also could usefully emphasise its commitment to good design by stating that contravention of the design policies in the NPPF would in themselves be sufficient grounds for refusal (see paragraph 124 below).

39. Specific wording for improving the presumption in favour, and ensuring unsustainable development is prevented, is set out in section 3 of this response.

Question 2a and b: The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

40. CPRE strongly disagrees with this statement.

41. CPRE does not support the addition of a 'positively prepared' test to the existing three tests of soundness (paragraph 48), and we call for its removal. First, given the wording of the proposed fourth test, which requires Local Plans to be consistent with national policy, there is no need for a separate 'positively prepared' test as the draft NPPF already calls for positive planning to meet development needs at other points. We consider the likely effects on plan preparation further in our response to question QA5 below.

42. Second, the 'positively prepared' test would represent a shift from a spatial, 'plan, monitor, manage' approach to planning, to a 'predict and provide' one. CPRE does not dispute that the plan-led system has a responsibility to facilitate the delivery of good quality development for which there is an agreed need. The wording of the new test however, by which local authorities must meet all 'objectively assessed development and infrastructure requirements', in our opinion could undermine the ability of local authorities to implement genuine spatial planning. While forecasts and projections can be useful tools for planning authorities to use, they do not represent an accurate 'prediction' and must therefore be used with caution. A 'plan, monitor, manage' approach places great emphasis on the use of evidence such as this, but ensures that the impacts of planning implementation and other externalities are monitored over time, so that development responds to actual change, not statistical projections. The need for caution when using household projections specifically was explored in CPRE's 2009 publication, *Housing the Future: an analysis of the Government's household projections and their use in planning for new housing*. The severe fluctuations in the national economy that have taken place over the last 4 years demonstrate the importance of not being overly dependent on projections and forecasts.

43. CPRE has concerns about the 'certificate of conformity' proposed in paragraph 26. Counsel's opinion (see Annex 1) is that 'it is not clear what the statutory basis for such a certificate would be, who would issue it and also as to its duration. In the absence of more information it is difficult to see what the effect of such a certificate would be'. We also note that there is currently no legal requirement for plans to be in conformity with national policy, merely at present they only have to have regard. We urge the Government to clarify these issues, particularly in the light of its stated objective of localism and devolution of power.

44. We are also deeply concerned that the language on viability (paragraph 39) will prevent the delivery of affordable housing by private developers through section 106 agreements. The current text states that developments, including any contributions or requirements placed on developments, should still 'provide acceptable returns to a willing land owner and willing

developer. 'Acceptable returns' is not defined and may be defined very differently for local authorities compared with housebuilders. We believe that this fundamentally cuts across the principle that planning should work in the public interest, rather than the private interests of land owners or developers. As a consequence it is likely to undermine all local negotiations on issues like affordable housing. We call for paragraph 39 to be reworded in the light of the integrative, public interest remit of planning.

45. CPRE is also concerned about the way transport is dealt within the policy on plan-making section. As the Impact Assessment notes, planning has a key role in delivering the Government's transport objectives. Yet despite the acknowledged importance of integrating spatial planning and transport, transport is barely mentioned in the plan making section. There are also problems with the mentions of transport that do appear at this point. The policy deals with provision of transport infrastructure, based on transport forecasts. The central forecast of the National Transport Model predicts a 43% increase in traffic between 2003 and 2035⁴. Whether or not one believes these long term predictions will be accurate, let alone should be provided for, there will be significant differences in changes in traffic levels between central London and areas where there is significant new development. A one size forecast will not fit all authorities and it would be better to refer to targets set locally under the Road Traffic Reduction Act 1997. The emphasis on road infrastructure should be on managing demand rather than seeking to provide for it, which would be likely to generate more traffic and move congestion along, creating new bottlenecks. We develop this point further in our answer to questions 2d and 7b.

Question 2c and d: The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

46. CPRE disagrees with this statement.

47. We welcome the Government's recognition of the importance of strategic planning for delivering sustainable development (paragraphs 44-47). We support the five 'strategic priorities' identified in paragraph 23 of the draft NPPF, in particular that relating to the protection and enhancement of the natural and historic environment. Three crucial strategic, cross-boundary planning policies that are missing from these priorities are Green Belt, Areas of Outstanding Natural Beauty, and the planning of town centres whose catchments extends beyond a local authority boundary. CPRE would like to see additional strategic priorities addressing these points.

48. While supporting the strategic priorities discussed above, CPRE is concerned by the role given to Local Enterprise Partnerships (LEPs) in the planning system by paragraph 45 of the draft NPPF. The planning system is responsible for facilitating sustainable development that it is in the long term public interest. LEPs are solely concerned with economic matters, and therefore by identifying them as bodies that must be engaged with as part of strategic planning the Government risks relegating environmental and social issues below economic growth. CPRE recognises that the economy needs to be revived, however if we are to improve the long term prosperity of the country growth should not be regardless of the environmental or social cost.

49. The NPPF should, therefore, make a specific reference to consultation with environmental organisations and their groupings. One possible route, for example, may be the Local Nature Partnerships (LNPs) proposed in the Natural Environment White Paper. This would help to balance the promotion of economic issues from LEPs with due consideration of environmental issues, promoted by LNPs. Further thought should also be given to how to ensure groups representing social interests would also be included within the duty.

50. The setting up of LEPs, LNPs, Integrated Transport Authorities and other sub-national bodies may create an 'engagement burden' for both businesses and non-governmental organisations seeking to be involved in them or simply influence them. This will particularly be the case in areas that are covered by more than one partnership of the same type. While some issues relating to this problem may be outside the scope of the NPPF, the draft NPPF fails to set out policy to cover the 'hard cases' where agreement cannot be reached between neighbouring authorities or with other bodies.

51. The emphasis in paragraphs 46 to 47 on providing infrastructure is excessive and should be balanced by alternatives such as including plans for new services (such as new public transport

⁴ Page 14, Department for Transport, *National Transport Model*, 2009

routes), local standards for development and nudge measures to deliver behaviour change. This approach of ‘sweating assets’, which is promoted as an alternative to providing additional road capacity in the Department for Transport’s statutory guidance on the Network Management Duty, tends to be more cost effective and deliverable for developers as well as offering more sustainable outcomes. The Highways Agency’s Influencing Travel Behaviour programme, for which funding has now ended, offered a very high Benefit Cost Ratio of 13:1, for example⁵.

Question 3a and b: Decision taking in the policies on development management, the level of detail is appropriate.

52. CPRE strongly disagrees with this statement.

53. The detail given in the draft NPPF’s development management policies (paragraphs 53 - 61) is contradictory in places. Paragraph 53 states that ‘the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development’. CPRE agrees that development management should facilitate genuinely sustainable development; however such an approach assumes that the role of development management is also therefore to prevent, or hinder, unsustainable development. That it is legitimate for the planning system to prevent unsustainable development does not seem to be acknowledged in the text.

54. CPRE supports the Government’s attempts to improve the amount and quality of pre-application engagement on planning applications that takes place (paragraphs 56 - 61). We agree that this is an efficient means of ensuring that proposals are of as high a quality as possible before they enter the formal planning system.

55. We are concerned, however, by the apparent contradiction between paragraphs 62 and 63 of the draft NPPF, and clause 38(6) of the Planning and Compulsory Purchase Act 2004. The primary legislation states that planning decisions must be made in line with the development plan unless material considerations indicate otherwise. Paragraph 62 of the draft NPPF states that ‘Local Plans...are the starting point for the determination of any planning application’. The wording in paragraph 63 appears much less certain than the statement included in legislation, and therefore CPRE would welcome reassurance that the presumption in favour of sustainable development does not threaten the primacy of the development plan.

56. CPRE is deeply concerned that there is no policy in the NPPF encouraging the use, where necessary, of planning enforcement and guiding its application. Such an omission runs contrary to the welcome moves in the Localism Bill to facilitate the use of enforcement powers. Accordingly in Section 3 we recommend the inclusion of a policy on enforcement at the end of the development management section. We have also suggested changes to paragraph 64 on the use of Article 4 directions so that the NPPF complements the recent welcome moves by the Government to allow more local discretion over their use (see pages 38 and 39 of this response).

Question 4a: Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

57. CPRE disagrees with the statement in question 4a.

Question 4b: What should any separate guidance cover and who is best placed to provide it?

58. Much of the current body of guidance is still relevant. In particular, CPRE believes that the guidance contained in Circulars 05/05 (on planning obligations), 06/05 (on biodiversity), 05/07 (on controlling outdoor advertisements) and 07/09 (World Heritage Sites), as well as in many of the current Minerals Policy Guidance notes (see response to question 9 below) still plays a crucial role and is best maintained by Government or its agencies. There should be a separate, thorough, public consultation on the future of existing circulars and other best practice guidance. CPRE recommends that this should take place once the NPPF has been finalised so that it is clearly understood what policies any guidance should refer to, and where gaps in policy may need further explanation. Should any of this guidance be taken forward by organisations outside Government, a process needs to be identified for giving Government endorsement to any final published material

⁵ Paragraph 7.29 in DfT, *Cutting Carbon Creating Growth - Making Sustainable Local Transport Happen*, 2011

so that it can confidently be given weight in planning decisions. A risk of relying on other organisations to provide guidance on specific policy areas is that the resultant guidance could be inconsistent with other areas of Government policy. A condition of any Government endorsement would therefore need to be that there had been consideration of such issues.

Question 5a and b: The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.

59. CPRE strongly disagrees with this statement.

60. We welcome the commitment to sustainable economic growth (paragraph 71 of the draft) but as noted in our overarching comments above in order to provide clarity and certainty we recommend that the term sustainable economic growth is defined. We agree that in order to secure sustainable growth there is a need to reengineer the economy to retain competitiveness but that this should be done within recognised environmental limits. We agree that greenhouse gas emissions are one such limit. We believe that other environmental limits including land, soil, water, air and noise pollution should also be part of the sustainability tests for economic growth.

61. We believe that 'the country's inherent strengths' (paragraph 71) include its town centres which have a vital role as engines of local economies. The NPPF should recognise this and the need for planning policy to support this role for the long term. Town centres offer a concentration of physical infrastructure, including transport links, buildings, communications connections, and of other businesses. CPRE believes that this makes them the most accessible and sustainable locations for economic development. Strong and vibrant town centres provide a better quality of environment to support their communities and also support protection of their neighbouring countryside. In so doing they are better able to continue to attract investment from businesses drawn to areas where the quality of urban life is high and where opportunities to enjoy high quality countryside make them desirable places to work and live.

62. We regret, therefore, the loss of contextualising detail in PPS4 (paragraphs 9-10, pp.3-4) which makes clear that, with respect to town centres, to help achieve sustainable growth planning needs to focus growth on existing centres. Taken in the round this objective can be understood as seeing diverse, dynamic, attractive and competitive town and other centres as the preferred location for development to ensure that economic growth is indeed sustainable in terms of economic but also social and environmental impact. This emphasis and understanding in PPS4 is notably missing in paragraphs 71 and 72 of the NPPF draft.

63. CPRE believes that local food production can play an important role in driving local investment, innovation and enterprise in rural areas. It can also support appropriate land-based diversification of primary producers into food processing. Research carried out by CPRE under its Mapping Local Food Webs project indicates that small independent retailers, markets and farm shops act as vital outlets to market for local food producers enabling them to start up, innovate and grow. The retail diversity of town and other centres is therefore a vital element in sustaining this relationship. We would therefore welcome recognition within the NPPF of the important relationship between a diverse retail economy within town and other centres of different scales (city, town, small market towns, district and local centres including large villages) and their rural hinterlands sustained through local food production.

64. We are concerned that the first economic development objective (on pro-active planning - paragraph 72) does not reiterate the need for the development patterns of business to be sustainable (particularly but not only in relation to transport) nor set out what an economy fit for the 21st century might mean. The NPPF should provide a clear concept of economic growth that is sustainable. Without these there is a danger that the needs of business may be taken to be what serves the demands of business to expand regardless of the social or environmental cost.

65. CPRE is also particularly concerned with two paragraphs in this section of the draft. First, paragraph 74 refers to the presumption in favour of sustainable development, but we believe that it should also clearly state the need for businesses to design their development proposals to help achieve the objectives of adopted local plans where possible. Second, although CPRE welcomes the Government's implicit intention in paragraph 75 to encourage re-use of previously developed land, we fear that the draft policy would be too heavy-handed in practice and frustrate the efforts of local authorities to protect affordable work space for small businesses. We therefore recommend that the policy on avoiding long-term protection of employment land should only apply where (i)

the need for the employment use has demonstrably declined and/or (ii) the location is an appropriate one for other proposed uses, especially as part of a mixed use development retaining some degree of employment use (see suggested rewording in Section 3).

Question 5c: What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

66. CPRE is aware that the draft NPPF calls on local planning authorities to take account of market signals such as land prices (paragraphs 19, 27 and 75). We are not opposed to market signals being used alongside other relevant evidence, but believe that by themselves market prices have only a limited role in informing decisions. In our view, this approach would distort the planning process by valuing land for its economic return to a willing buyer or seller above other potential benefits, whether or not these benefits have identifiable monetary values. It would also be a short-term approach given the wide fluctuations in market signals over time. Managing development and use of land in the public interest, rather than private interests of land buyers or sellers, has been a keystone of the planning system for decades and should remain so. We believe that a more sophisticated approach is required. This should focus on realising the potential for development on previously developed land within existing urban areas, addressing brownfield market failures and managing rather than accommodating growth in areas which lack the capacity to support further development in an environmentally sustainable manner.

67. Tremendous pressure exists in rural areas to allow changes of use to land uses with higher economic, but not necessarily environmental or social, values. CPRE recognises that rural economies do extend beyond land-based activities and tourism. We believe that rural economic development aside from agriculture, however, should be framed by planning policies that recognise the differences between economic development in rural and urban areas. Research for CPRE on the effects of more permissive planning policy demonstrated that unrestrained diversification damages both rural and urban areas. (*A Pox on the Countryside*, 2004; *Undermining the Land-Based Economy*, CPRE, 2004; *Squandering our Assets*, 2005). Enabling policies, which nonetheless recognise the unique development needs of the countryside, will help to ensure that economic development in rural areas does not undermine environmental objectives. They would also help to ensure that major economic infrastructure investment is focused in existing urban, more sustainable locations.

Question 6a and b: The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

68. CPRE disagrees with this statement.

69. CPRE welcomes the Government's commitment to a 'town centre first' approach to planning (paragraphs 72, 76-80). Since the introduction of this policy in 1996, investment in commercial development has successfully been redirected towards existing centres, to the benefit of these places, and the countryside which had been put at threat due to unregulated, low density out of centre development.

70. The text in paragraphs 76 - 80 is weak in some places however, and CPRE is concerned that this should be strengthened to avoid a return to sprawling out of centre commercial development, which has serious implications for open land surrounding towns, transport, accessibility and economic competitiveness.

71. The emphasis in the second objective in paragraph 72 solely on 'the needs of consumers for high quality and accessible retail services' in particular is disappointing. It fails to recognise the role of town and other centres in offering access to the wider community to a range of services which support the vibrancy, character and attractiveness of centres and indirectly may deliver increased footfall and boost trade in the retail sector. The town centre first approach as currently drafted in the NPPF also omits the value of tourism, failing to recognise that this may support the character of heritage assets and deliver economic growth. The loss of cultural activities from the objective appears to show a failure to recognise the actual and potential contribution of culture in its widest sense to local economic activity.

72. The rationale for the removal of office development from the town centre first policy, given on page 35 of the Impact Assessment, is particularly weak. The example of high rental values

given, of London's West End, fails to acknowledge the unique characteristics of this extremely high demand area which drive such a rental market, or the fluctuations in those values over time. Simultaneously the Impact Assessment does not take into consideration the severe transport impacts, and associated costs, likely to arise from removing the sequential test for office development. This has the potential to be particularly damaging when combined with paragraph 88 of the draft NPPF, which although it calls for travel generating development to be sited so as to minimise the need to travel, or to maximise opportunities for using public transport also contains two major caveats. First, that it must be implemented with all other NPPF policies, including paragraph 86, which presumes against refusing planning permission on transport grounds. Second, the implementation of the policy appears to be entirely optional in rural areas.

73. The NPPF also fails to define centres beyond town centres, thereby possibly excluding city, district, local and village centres from the policy. CPRE therefore recommends that 'centres' is defined in the NPPF glossary to cover the wide range of different types of centre.

74. CPRE welcomes the inclusion in the draft NPPF of the requirement to define a network of centres. We are concerned however that this is not supported by the retention of the existing requirement for local planning authorities to carry out centre 'health checks'. This requirement ensures that authorities have the evidence base they need to prepare plans and make development management decisions that support thriving centres. CPRE therefore suggests that the need to prepare this evidence base is retained.

75. We welcome the wording in bullet five of paragraph 76, which reflects for the first time the wider set of uses of town centres which contribute to their vitality and viability. However, these provisions are insufficiently strong for several reasons. First, they do not retain the provisions made in existing policy that centres may need to expand or contract and be reclassified within the network and hierarchy of centres. This omission is particularly striking as high streets are facing multiple pressures including the recession, continued pressure from out of town superstore development and the growth of internet retail. Second, they fail to recognise that some centres may be unable to expand if the centre is bounded by areas which are protected or cannot be developed for main town centre uses. In such cases local authorities should be encouraged to assess the need for intensifying town centre use. Third, there is no recognition of the need to ensure that the scale of development is appropriate to the role of the centre within the network and hierarchy of centres. Finally, the text fails to make clear that the development plan should enable need to be objectively assessed to address deficiencies in the town centre, which may weaken its vitality and viability, as against meeting the development needs of businesses which may conflict with the needs of the town community as a whole and as set out in the overarching objective in paragraph 72. It is not correct to assume that the development needs of business and those of the town centre are the same.

76. We welcome the retention of the sequential approach in the draft NPPF for town centre planning (paragraphs 77 and 78). CPRE is concerned however that the approach is limited to retail and leisure use, not encompassing other main town centre uses such as office development. A town centre first approach for all main town centre uses offers multiple benefits to the economy, environment and society, as discussed in paragraph 61 above, and we recommend therefore that the final NPPF should enable local planning authorities to define main town centre uses beyond retail and leisure.

77. We welcome the retention of the locally set threshold for impact assessment (paragraph 79). This will be important in enabling local authorities to assess development proposals which may be disproportionate to the scale of their centres and so could undermine the current centre. The meaning of up to date needs to be clarified, however. If a plan is not up to date then, as per PPS4, there needs to be an interim period where all such applications, regardless of scale, are assessed for their impact on the town centre and other centres within their catchments and until such time as the plan within a reasonable time period is updated. Otherwise development may be presumed to be permitted when it could severely affect the town centre, and therefore prejudice the delivery of the NPPF. This interim measure need not be onerous, keeping the impact assessment proportionate to the scale of development proposed as per current policy on out of date plans.

78. CPRE believes that the wording of paragraph 80 of the draft is weak in two respects. First, it does not provide a basis for planning applications to be refused if their potential impact is shown to be negative. This could mire local planning authorities in costly appeals processes, as well as delaying the planning process, due to the uncertainty of the status of impact assessments. Second,

it is unclear whether the responsibility of carrying out the impact test falls on the relevant local authority or developer. Currently consultants are employed by developers to carry out such assessments. If the NPPF and accompanying measures in the Localism Bill are to achieve genuine public engagement in the planning process it is important that such assessment is seen to be carried out rigorously, objectively and independently of the developer. To this effect arrangements should be put in place to ensure that this is demonstrably the case. It should be made clear that the developer should provide the resources for the assessment to be undertaken independently of the applicant with reporting directly to the local planning authority.

Question 7a and b: The policy on planning for transport takes the right approach.

79. CPRE strongly disagrees with this statement.

80. The transport section (paragraphs 87-94 of the draft) needs to be radically redrafted to be consistent, user-friendly and actually secure sustainable development. We have made specific recommendations for changes in section 3 (pp.40-43 below) but we believe there is a need for change because of the following reasons in particular:

- There are key differences between the core principles and the transport section, which is rather vague and full of caveats, making it hard to interpret clearly. The former, for example, promotes use of 'public transport, walking and cycling', while the latter instead calls for use 'where practical' of 'sustainable transport modes', drafted to include low emission vehicles and car sharing, which cannot be defined as modes;
- The attempt to split the transport section into parts covering economic growth and then cutting carbon and congestion is confused, leads to unnecessary repetition as well as missing out important policy areas. The three strands of sustainable development should in fact be pursued in an integrated way and this needs to be reflected in the Framework. It would be much better to split policy in a logical fashion into sub-sections covering patterns of development, transport infrastructure and standards of development, with each sub-section considering all three strands.
- The NPPF should explicitly plan for a significant amount of modal shift, as the Welsh and Scottish planning policies do. The UK is the most car and lorry dependent large country in Europe and, if we are to deliver sustainable development, this needs to be changed. Planning for shorter journey lengths, particularly for everyday travel, through better integration of land use and transport planning will be an important component of this.

81. As noted above in our overarching comments it is not clear what the phrase 'fullest possible use' in the core principles mean and there is a similar problem with the objective in the transport policy to 'balance' the transport system in favour of sustainable transport modes (paragraph 82). This extends into the rest of the policy on transport, for example the phrase about taking up opportunities for sustainable transport. The policy is therefore likely to be unclear as to its meaning in particular cases, creating unnecessary uncertainty for users of the planning system and hinder the achievement of sustainable development.

82. As also highlighted in our comments overarching comments (see paragraph 33 above) we believe the core principles should set out an aim to secure significant modal shift and increase travel choice and a separate spatial principle to promote patterns of growth that minimise journey distances and focus significant development in areas with the best relative accessibility by sustainable modes should complement this.

83. The UK is the most car dependent major country in Europe (after Lithuania, Iceland and Norway), with the lowest proportion of bus and coach use, while the position is similar in terms of road transport for freight⁶. The UK has a relatively good rail modal share for passengers; through High Speed 2 and other enhancements, a doubling in passenger capacity and significant increase in freight capacity is likely by 2035⁷. The NPPF should show an awareness of this. With just 2% of journeys made by cycle, compared to 10% in Germany, 18% in Denmark or 27% in the Netherlands⁸, there is a huge potential for a shift of shorter journeys to physically active modes too.

⁶ Pp 43 and 34 in European Union, *Transport Statistical Pocketbook*, 2011

⁷ Pp 23-24 in Network Rail, *Industry Initial Plan*, 2011

⁸ Department for Transport, *The Future of Urban Transport*, 2010

84. In order to secure modal shift and wider travel choice, the policy on transport should explicitly consider relative accessibility by different means of transport. What this means is that rather than simply checking to ensure a new development could be reached by bus or cycle, as is often the case currently in local planning, the relative benefits of different travel choices should be compared. The approach set out in the Department for Transport's (DfT's) Local Transport White Paper *Cutting Carbon, Creating Growth* proposes using 'choice architecture' to nudge people to change their behaviour. While the Impact Assessment refers to this White Paper, the NPPF fails to provide policies that would help achieve this central policy in it. In order to do this, the NPPF needs to refer the concept of relative accessibility, which is widely mentioned in Planning Policy Wales, to ensure that planning decisions clearly influence peoples' travel behaviour. An example of the importance of relative accessibility comes from Groningen, a city in the Netherlands with almost 60% modal share for cycling, one of the highest proportions in the world. Through careful planning, such as the use of the principle of 'filtered permeability', the average crow flies distance that can be reached in 10 minutes is further (2.4 km) by bicycle than by car (1.6 km). It is through securing real advantages such as this, rather than just promotion and ensuring there are some cycle racks, that high modal shares for sustainable travel can be secured⁹.

85. The two objectives focusing on economic growth and cutting carbon and congestion are poorly thought out and may even contradict each other. Congestion is often a limit on economic growth but it can be made worse by planning decisions that prioritise poorly thought out development that leads to more car and lorry journeys. Congestion is usually caused by a high proportion of trips on a road network being made by private motor vehicles. Modal shift to more space efficient forms of transport, which the green and low emission vehicles the glossary includes within the definition of sustainable modes are not, is the best way to deal with this.

86. Although tackling congestion can help remove a barrier to growth, positively promoting higher densities in sites with the highest accessibility can nurture growth by creating economic benefits from agglomeration. While the policy to direct major trip generating development to locations with good accessibility should be strengthened, the other side of the coin - the need for such locations to have higher densities (including less space given to car parking) - has not and this should be included in the final NPPF. We have suggested alternative text for the transport policy, including the objectives, is set out in Section 3. The section on facilitating economic growth should also mention the need to plan for public transport and active travel networks.

87. The test in paragraph 86 of the draft that says developments should not be refused on transport grounds unless the residual impacts are severe is fundamentally wrong and would stifle reasonable requests by local planning authorities and communities to developers to reduce impacts of developments, whether by changes in location, design, planning conditions or planning obligations. No other policy area in the NPPF has such a stringent requirement and there is no evidence to suggest that refusals on transport grounds act as a block on development. The Scottish Planning Policy in paragraphs 166-168 highlights the importance of development not increasing car dependence and explicitly states that planning permission should be refused where it does. The NPPF should follow a similar line, particularly as England is more crowded and its roads more congested than Scotland.

88. Transport is a major source of greenhouse gas emissions and despite the aim to cut carbon, the NPPF is particularly weak on transport emissions. The commitment to secure radical cuts in emissions in paragraph 148 is jeopardised by paragraphs 83-84 and 86. Emissions from new developments, even major airport expansion, will rarely be significant compared to the overall UK emissions and so it is impossible to foresee any case when an unsustainable transport development could be refused on emissions grounds, based on the current wording of the NPPF. While the draft NPPF currently seeks to support the growth of airports (paragraph 85), the DfT scoping document for a Framework for Sustainable Aviation assumes no runway expansion, viewing such a policy as vital lever to prevent unsustainable increases in aviation emissions. The primacy currently given to economic growth in the NPPF would make it very difficult to refuse an application for a runway expansion. Fundamental changes are therefore needed throughout this policy.

89. Beyond requiring the provision of charging infrastructure, we do not believe it is appropriate or practical for the planning system to promote low-emission vehicles. The references to them in paragraphs 89 and 93 should therefore be removed, in addition to the complete removal of the

⁹ See http://www.transpower-rp6.org/uploads/media/Groningen_Cycle_City_01.pdf

definition of sustainable transport modes in the glossary. Besides the problem of definitions - average vehicle emissions will drop during the lifetime of a development or local plan as new and improved technologies are incorporated in vehicles - the main tools for local authorities to affect vehicle choices are through traffic orders, such as car parking charges or low emission zones. Promoting car clubs would be a better policy as these both reduce the need for parking and car use, and tend to use vehicles with lower emissions than average.

90. The policies in paragraph 89 of the draft are critical and we have made suggestions as to how they could be improved, in particular by focusing on the concept of relative accessibility explained above. Cyclists and pedestrians are legally defined as traffic and the text is not helpful in suggesting they are not, particularly as the need to prioritise [motor] traffic is often used an excuse to fail to cater for their needs in developments. The principles do not seem to fit with the best practice in the Manual for Streets which promotes shared space rather than segregation on streets with low flows of motor traffic.

91. Paragraph 93 of the draft needs to take into account the concept of relative accessibility and the need to secure modal shift. Scottish and Welsh planning policy¹⁰ stresses the impacts of car parking levels on modal split, something that the NPPF needs to recognise explicitly too. Similarly local standards should be drawn up through collaborative working with neighbouring authorities as travel patterns do not respect boundaries.

92. The arguments in the Impact Assessment for removing maximum non-residential parking standards do not stand up to scrutiny and these standards should be retained in policy. Local authorities are already free to have much lower parking standards, indeed in the City of London they are close to zero other than for disabled drivers. On the other hand having higher parking standards than the current maxima is likely to increase traffic levels which could over time impact negatively on road network of neighbouring authorities. The absence of a national maximum would make it harder for councils to object to unsustainable developments, particularly with the proposed restrictions on refusing developments on transport grounds unless the impacts can be shown to be severe.

93. The Impact Assessment suggests that the town centre first policy will ensure that removal of parking maxima does not lead to more traffic. As noted earlier, however, the policy, as currently worded, does not apply to office developments and is seriously weakened in relation to rural areas. So that claim is untrue. Similarly the claim that any disbenefit of more car parking encouraging longer journeys would simply be evened out is not credible. Over time, a lack of parking restraint would lead to an increase in average trip distances. In addition it would increase rather than decrease the proportion of trips made by car.

94. The research cited in the Impact Assessment that the availability of parking spaces does not affect decisions to purchase a car can, in CPRE's view, no longer be relied upon. It fails to consider more recent evidence about car clubs, which have been particularly successful in cities such as London where there is limited residential and business car parking. In order to make car clubs more viable, whether for businesses or residential areas, car parking restraint is needed.

95. Although the policy in paragraph 94 is welcome, its wording is rather strong (e.g. 'critical' and 'robust') and could make it hard to rely on in practice.

96. The absence of freight issues in the NPPF is concerning as both securing modal shift of freight traffic and minimising the impacts on freight that continues to use road transport, such as on communities and the natural environment, should be an important aim for the planning system and indeed is recognised as such in Welsh and Scottish planning policy. We have made suggestions as to how this gap could be filled.

97. These problems with the transport section taken together with other changes to planning policy that we raise concerns about elsewhere in this response (in particular regarding the town centre first, brownfield and Green Belt principles) and the lack of integration of transport considerations throughout the document (such as in the plan making section), mean the policies in the draft NPPF, taken as a whole, would be likely to hinder rather than support sustainable travel objectives. We do not agree with the assertion in the Impact Assessment that the draft NPPF

¹⁰ Planning Policy Wales 8.4.2-3 and Scottish Planning Policy 171-2

‘streamlines but does not change the core current policy approach’. We believe in any case that the NPPF should improve on existing policy and help deliver greater modal shift and travel choice.

Question 8a and b: Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

98. CPRE agrees with this statement.

99. We welcome the proposed policy favouring the use of existing masts and sites before new structures (paragraph 96). Provided that this policy is retained in the final NPPF we are also able to welcome the recent (October 2011) Government announcement to invest in mobile phone coverage in rural areas through the provision of new communications infrastructure.

Question 9a and b: The policies on minerals planning adopt the right approach.

100. CPRE disagrees with this statement.

101. We are concerned at the overall narrowness of the draft minerals policy (paragraphs 100 - 106), which seeks to reduce policy objectives to supply and sustainable use. As a minimum we call on the Government to retain what we consider to be three critical environmental objectives stated in the current Minerals Policy Statement 1 (MPS1). These are set out in Section 3.

102. In addition, in terms of the overall objectives (bullets in paragraph 100 of the draft), we would wish to see the reinstatement of reference to the limits (to mineral extraction) set by the environment. This could occur by readopting the former MPS1 national objective of ‘to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage’. This should replace the current first bullet in paragraph 100. However as a bare minimum, a broad test of environmental limits should be re-instated in the overall objectives for minerals. We have no objection to the retention of the term ‘indigenous minerals’ from the new text.

103. We are also concerned about the second overall objective regarding sustainable use of energy minerals, whose intent appears unclear and its linkage with paragraph 106 (presumption against coal) uncertain. If the intention of policy is to ensure that extraction and use of energy minerals meets overall sustainability tests, including reducing CO2 emissions (through reduced use/burn and/or carbon capture and sequestration, CCS), then we would support the objective, subject to this being made more explicit. Separately we strongly support the retention of the presumption against coal extraction and indeed would wish to see it strengthened as a way of enabling carbon reductions. However a clearer objective on energy minerals may resolve this issue.

104. Paragraph 101 needs restructuring to make clearer how aggregate apportionment will work in practice and to give a clearer steer on the differentiation of landbanks for different types of minerals. In general we believe that seven years for sand and gravel and 10 years for crushed rock, brick clay and silica sand gives an ample lead-in time for maintaining supplies. The text regarding ‘security of supply’ of industrial and energy minerals does not fully reflect the overall NPPF requirement to deliver sustainable development as it stresses taking into account forecasted requirements and avoiding scarcity but not environmental limits. This also underpins our broader concern regarding the NPPF moving away from a ‘plan, monitor, manage’ approach back to a crude ‘predict and provide’ model of planning delivery.

105. There are also a number of concerns in relation to paragraph 102. We support the retention of text regarding the exclusion of landbank requirement for National Parks but would also wish to see it strengthened by removing the foregoing ‘as far as is practical’. We also wish to see additional text that local planning authorities should ensure a progressive reduction in the amount and proportion of aggregates extraction from National Parks and Areas of Outstanding Natural Beauty (AONBs). Such a policy promised to work well in Regional Spatial Strategies and would provide significant national benefits if adopted more widely.

106. Also, in relation to paragraph 102, bullets 7 and 8, have a rather haphazard mix of impact related criteria, from generic areas such as environmental, natural and historic environment to the very detailed issues of slope stability, backfill settlement and contamination. We suggest these latter details are deleted or encompassed within a broader term. It is also the case that these

issues are normally dealt with outside of planning by the relevant statutory agencies. The same comment also applies broadly to the text on noise.

107. The latter point also underlines concern as the need for more detailed guidance on issues such as noise etc which are currently covered by the suite of Minerals Policy Guidance (MPGs). Under the headline provisions of bullet 7, there is a danger of a non-uniform approach being taken by a range of minerals planning authorities in terms of the criteria they set out to judge impacts against. We would ask that a transitional approach might be taken whereby MPGs will still remain material factors until new good practice guidance can be issued. We support the retention of MPGs (8, 9 and 14) which give importance guidance on mineral permission reviews.

108. CPRE welcomes the proposed presumption against peat extraction which we agree is clearly unsustainable (as also stated in paragraph 16).

109. We also urge the Government to maintain measurement of overall levels of aggregate usage as an indicator of sustainable development, and to state clearly in the NPPF that it is doing so.

Question 10: The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

110. CPRE strongly disagrees with this statement.

111. We are extremely concerned that the housing policies (paragraphs 107 - 113 of the draft) contained in the NPPF will not equip communities and local authorities to support the delivery of the high quality, affordable homes that are needed. As well as undermining this social objective, the draft policies on housing pose a grave threat to the environment. Our comments in this section are set out under the following headings:

- Previously developed land and the sequential approach
- Housing density
- Affordable housing

Previously developed land and the sequential approach

112. The draft NPPF has removed the sequential approach to land use for housing, meaning that the development of previously-developed land before greenfield sites is no longer a policy priority. Ministers have stated that they believe that the policy in paragraph 165 that states 'plans should allocate land with the least environmental or amenity value where practical' provides greater flexibility for local authorities but still effectively allows for a brownfield first approach. CPRE strongly disagrees with this view and approach. In particular, paragraph 165 does not mention either previously developed land or, equally crucially, urban areas, nor any sequential approach to directing development to them. We are very concerned that this approach to allocating land for development could lead increasingly to land being allocated on the edge of small towns or villages on greenfield sites whose current environmental value may have been degraded in the eyes of some by unsustainable farming practices.

113. Page 68 of the Impact Assessment also demonstrates that the Government have not taken into account the multiple benefits of reusing previously-developed land, beyond restricting urban sprawl. The assessment states that 'greenfield developments may provide better opportunities to mitigate environmental impacts of development as they tend to have fewer site specific constraints and better viability to meet higher environmental performance standards'. This approach completely fails to acknowledge the added value that well-planned brownfield development, especially in urban areas, can provide to a surrounding community in terms of improving the viability of local public services (particularly transport) and public realm improvements. Brownfield development, particularly in large urban areas, tends to generate such value to a far greater degree than greenfield development, due to the higher costs associated with the latter including providing new public realm and other infrastructure from scratch.

114. The Impact Assessment (pp.49-54) also states that the national indicative target of building at least 60% of all new housing on previously-developed sites is being removed from national policy, reiterating the Plan for Growth announcement made by the Chancellor of the Exchequer in March 2011. The document also suggests however that the Government is also seeking to remove the general 'brownfield first' approach as well, although this is not made explicit. In particular,

the Impact Assessment calls for a 'move away from a prescriptive designation of land towards a concept of 'developable' land where local areas decide the most suitable locations for housing growth based on their local circumstances'. The Impact Assessment presents a range of evidence to justify this approach.

115. CPRE has commissioned research by Green Balance to analyse the evidence put forward to justify the change in policy. Our research has raised a number of severe doubts about the assumptions relied upon by the Government. In particular, the Impact Assessment appears to be based on the underlying misconception that the overall supply of brownfield land will not be replenished sufficiently as development is directed to previously-developed sites. The evidence from the Government's National Land Use Database (the same source used for the assumptions in the Impact Assessment) suggests that across England as a whole, the amount of brownfield land available for development actually increased by over 10% (from 28,060 ha to 31,160 ha) from 2001 to 2009. Net gains were also registered in London, the South East and South West regions. This took place during years where there were both significantly higher overall levels of housebuilding than in the years 2009-11, as well as a brownfield first policy, and the national target to achieve this, in force. Because of these factors 23,368 ha of brownfield land was redeveloped for housing between 2001 and 2009 (these figures are set out in Annex 2, Table 1). Brownfield land is therefore a demonstrably renewable resource and the evidence does not support the Government's contention that the supply of brownfield land will run out in high demand regions within four years.

116. Accordingly, CPRE continues to firmly believe that there should be a general policy of developing brownfield sites before greenfield. In our view, the evidence demonstrates that the brownfield first approach, incorporating a national brownfield target, need not stifle the supply of land for new housing. Further, the target that has now been abolished is as such, a target. The wording that we suggest for a reinstated brownfield first policy does not preclude against ever developing greenfield land, and therefore halting land supply if brownfield options are exhausted. It simply states that deliverable brownfield sites, in line with pursuing sustainable development, should be brought forward before greenfield ones.

117. In paragraph 109 the draft NPPF imposes a new, more onerous requirement for local authorities to demonstrate a 5 year supply of developable land for housing, plus an extra 20% allowance. CPRE does not think that this additional 20% requirement is justified, either in terms of providing more housing or the potential effect on patterns of development. The introduction of this requirement could force local authorities to prematurely allocate greenfield or (where relevant) Green Belt land for housing. This is because the timescales for bringing previously-developed sites forward from the 'available' and 'suitable' stages to being 'deliverable' in planning policy terms are often more complicated and uncertain than for the equivalents for greenfield.

118. In addition, the introduction of the requirement is likely to force local authorities into conducting more controversial and expensive consultation exercises on housing land supply than under present requirements; and a number of councils with an adopted plan would be required to revisit their housing policies in order to meet it, or be forced to approve applications that went against local policies.

119. This premature allocation is also likely to be exacerbated by the NPPF proposing that local authorities will not be allowed to include windfall sites within either the five-year supply of deliverable land or for the subsequent five years of developable land 'unless [local authorities] can provide compelling evidence of genuine local circumstance that prevent specific sites being identified' (paragraph 109, bullet point 4). This in turn could revive the perennial planning problem of developers 'cherry picking' easier to develop greenfield sites, at great environmental and social cost. Moreover, the use of windfall sites has been critical in ensuring that many local authorities, particularly (but by no means exclusively) those with areas of Green Belt, to meet their housing requirements without encroaching on protected areas. We recommend a more flexible approach to the use of windfalls in order to enable local circumstances to be properly taken into account.

Housing density

120. Alongside the focus on previously developed land, national planning policies on housing density have also played a critical role in ensuring the efficient use of land in recent years. The

role of planning in this regard is recognised in the current UK Sustainable Development Strategy, which includes the achievement in new development of at least medium (30 to 50 dwellings per hectare) dwelling density as a performance indicator. Medium to high density development is also critical in assisting people towards choosing more sustainable modes of transportation (see our comments on transport above) and also plays a role in supporting other local services and social interaction more generally¹¹. The figures we quote above on the housing potential of previously developed land rest on the key assumption of medium (outside London) to high (in London) average residential densities being at least maintained, or increased, in new developments. The current national average being achieved in new development, according to Government statistics, is 43 dwellings per hectare.

121. CPRE notes that the draft states that local authorities should be allowed to ‘set out their own approach to housing density’. Within the context outlined above, we recommend that the consultation draft NPPF goes further than this and states that, where no local plan is in place or where a decision is appealed, proposals which demonstrate an efficient use of land for housing, of at least medium density (30-50 dwellings per hectare) are preferred to low density development proposals. A medium density allows for between 30 and 50 dwellings per hectare, fewer than a typical Edwardian suburb, therefore making efficient use of land while not compromising on the need for green spaces or a mix of types of housing.

Affordable housing

122. As well as undermining environmental objectives, the NPPF as currently drafted stands to undermine the social objective of delivering high quality housing for those in need of it.

123. CPRE believes that too much emphasis is placed on viability, at the expense of equipping local authorities with the tools they need to negotiate affordable housing contributions as part of market housing development. Development must of course be viable in financial and pragmatic terms. It is self-defeating however to promote increased housing supply with the aim of meeting housing need if that development then does not meet actual need.

124. We are particularly concerned by paragraph 39 of the draft NPPF, which states that the cost of any requirements applied to development should ensure that ‘acceptable returns’ are still available for the land owner and developer. We believe this reference should be deleted. Primarily this is because the existence of such a policy would elevate the private interests of landowners or developers above the public interest, which as mentioned above remains the underpinning rationale behind planning intervention. ‘Acceptable returns’ is not defined and we are concerned that it will inhibit negotiations on section 106 agreements regarding the delivery of affordable housing by developers.

125. The draft NPPF also does not satisfactorily address the need for affordable housing in many rural areas. There is no explicit reference to rural exception sites, which allow developments entirely of affordable housing without a specific site allocation in a local plan. CPRE would rather that affordable housing is delivered through the plan-led system and we believe therefore that the NPPF presents an opportunity for the Government to encourage the allocation of sites in local plans, for 100% affordable housing only, where other types of development would not normally be allowed. We acknowledge, however, that the existing exception site policy has made a very important contribution to meeting rural affordable housing need and would not want it to be removed without further mechanisms for the delivery of rural affordable housing being developed.

126. CPRE does not agree with the policy proposed in paragraph 112 of the draft to allow cross-subsidy by open market housing to be used on rural exception sites. Exception sites are developed on the very basis that only a proven need for affordable housing among those with strong local connections outweighs the need for policies of restraint. Introducing cross-subsidy on such sites could undermine this purpose, while providing a loophole by which market housing can be provided where ordinarily its development would be judged inappropriate in planning terms. We understand Ministers have referred to paragraph 112 which seeks to offer a more flexible option than the current exception sites policy. The proposed policy, which enables cross-subsidy of affordable houses by market housing, would not be an appropriate approach in many villages and could lead to more local opposition than a scheme which is for affordable housing only. The current draft will

¹¹ More detail on the benefits of higher density development in urban areas is contained in the CPRE report *The Proximity Principle* (May 2008), available from www.cpre.org.uk.

undermine the delivery of affordable housing only schemes by increasing hope value so that landowners will not release land at reduced values. If prices are not suppressed for this use affordable housing will only be deliverable with cross-subsidy.

127. We do not see the case for a special clause for isolated buildings in the countryside of 'exceptional quality or innovative nature' as set out in paragraph 113 of the draft, and we call for its removal. This policy has been in force since 1997 and yet, according to reports in the specialist architecture and property press, has only been used to permit development about twenty times in fourteen years. For those who wish to promote new country house architecture, there is already more than sufficient encouragement in other sections of the NPPF (particularly paragraphs 118 and 121) that encourage innovative design. CPRE is otherwise able to welcome the policies on preventing isolated housing in the countryside in paragraph 113.

Question 11a and b: The policy on planning for schools takes the right approach.

128. CPRE disagrees with this statement.

129. We believe that the planning system has an essential role to play in facilitating the delivery of sustainable infrastructure that allows neighbourhoods to flourish. This includes institutional facilities such as schools as well as transport and other forms of community infrastructure. Paragraph 127 of the NPPF should therefore state more clearly than the draft that planning for schools is a critical element of the local plan preparation process, and when responding to applications for new schools local authorities should consider the proposal in the context of other essential supporting infrastructure, both grey and green.

130. Ensuring children are within cycling or walking distance of their school is an important aim, not just to reduce congestion from the school run but also to encourage physically active travel, tackle growing obesity and increase independence. Establishing new schools may damage the viability of existing schools that are well placed for children to walk or cycle to. The suggested test for new schools requires the balancing of the desirability of establishing a school versus the adverse planning impacts and so seems too narrowly drawn to take account of these issues. It therefore needs to be broadened.

131. We support the use of planning obligations and conditions to make development acceptable in planning terms. The NPPF should also make explicit that the same tests for conditions and obligations should be applied to schools development as to all other types of development.

Question 12a and b: The policy on planning and design is appropriate and useful.

132. CPRE disagrees with this statement.

133. While we welcome some of the draft policies, their overall coherence is undermined by paragraph 118, which states that planning policies and decisions should not attempt to impose architectural styles or tastes. This paragraph uses wording taken from paragraph 38 of PPS1 but omits the key text following on in the original paragraph, in particular: 'It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.' CPRE urges that this text is inserted after the current wording on paragraph 118.

134. CPRE welcomes recent statements by Ministers about the importance of good design in the planning process. We also note that there are stronger policies insisting on good design in the devolved administrations of the UK, in particular in Scotland. Accordingly we would recommend that the NPPF include the following statement, based on the current Scottish Planning Policy, at the end of the draft paragraph 114: 'planning permission may be refused, and the refusal defended at appeal, solely on design grounds.'

135. We are also concerned that the language used in paragraph 21, about the role of supplementary planning documents (SPD), could undermine the delivery of some of the good policies in this section about design. Local design guides have been an important SPD in some parts of the country but the wording of paragraph 21, which states that SPDs should 'only be necessary where their production can help bring forward sustainable development as an accelerated rate', suggests that this may no longer be possible.

136. CPRE also urges that the final NPPF explicitly promotes the effective control of advertisements and street clutter. This would take forward the Secretaries of State for Transport and Communities and Local Governments' call on 26 August 2010 'to get rid of unnecessary signs, railings and advertising hoardings in a bid to make streets tidier and less confusing for motorists and pedestrians'.

137. The final NPPF should set out the Government's approach to amenity and public safety in advertisement control (summarising paragraphs 11 to 15 of the current PPG19), and in particular discourage the use of advertisements alongside major roads, along the lines of the final sentence in paragraph 148 of Circular 03/2007. We urge that Circular 03/2007 is retained in its entirety and reviewed separately at a later date along with other Circulars.

Question 13a and b: The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

138. CPRE strongly disagrees with this statement.

139. We note that Ministers have stated on a number of occasions that they believe that the draft NPPF maintains current protection of the Green Belt. Although the draft incorporates a number of features of current policy in PPG2: *Green Belts*, CPRE believes that the consultation draft policy (paragraphs 133-147 of the draft) is a serious weakening for the following reasons:

- The presumption in favour of sustainable development appears to apply in Green Belts as in all other locations other than European wildlife sites, meaning in our view that development proposals could only be refused if they were shown to harm the objectives of the NPPF as a whole, rather than being harmful purely in Green Belt policy terms as at present. If this is not the intention of Ministers then amendments to the draft NPPF are urgently needed to clarify the situation (we make specific suggestions on this in section 3 of our response).
- It is not made clear that the quality of land is not a factor in the designation or continued protection of the Green Belt, contrary to paragraph 1.6 of PPG2. This could make it more difficult for local authorities to resist development proposals on land which had been neglected or used for untidy uses such as car breaking, a recurrent problem in Green Belt areas. We welcome the draft policy calling on local authorities to make more positive use of the Green Belt, but it is crucially important that this issue is made clearly distinct from decisions on inappropriate development.
- The loss of the presumption against inappropriate development. This issue has been particularly highlighted to us in Counsel's opinion (see Annex 1) which states, 'this is a significant change which may weaken the protection that applies to Green Belts'. This is particularly concerning when the presumption in favour of sustainable development appears to apply in the Green Belt (see above). Accordingly we believe that the presumption against inappropriate development should be reinstated, and cross-referenced in the section covering the presumption in favour of sustainable development.
- The lack of a requirement for co-operation between local authorities when reviewing boundaries of Green Belts that run across local authority boundaries, or that options for development within urban areas should be fully considered before Green Belt alterations are proposed. This is particularly important in ensuring that Green Belts meet their core purposes, particularly on urban regeneration. CPRE is concerned that in a number of cases (such as Sefton in Merseyside) a possible lack of co-operation between Green Belt local authorities and the large urban areas they surround may lead to both unnecessary releases of Green Belt land for development and increasing neglect of regeneration in metropolitan areas.
- Paragraph 141 appears to set a specific new policy test for Green Belt designations in and around villages. Currently land can be designated as Green Belt provided that it meets the primary purposes of the policy, and PPG2 avoids restating this when describing the treatment of villages. The draft NPPF appears, by contrast, to require an 'important contribution...to the openness of the Green Belt', and later, at paragraph 144, to give wider scope for limited infilling. In the first case, CPRE calls for the removal of the proposed new test in paragraph 141. In the second case, it should be made clear that limited infilling is only allowed in accordance with Local Plan policies.
- The widened scope for 'local transport infrastructure' to be regarded as 'not inappropriate' in Green Belt locations. The assertions in the Impact Assessment that this change is needed to deliver increased public transport is not backed up by any evidence and we are not aware of any significant example where Green Belt designation has prevented truly sustainable transport proposals. CPRE is concerned at the prospect of road building being currently promoted in a

number of Green Belt locations such as in Bristol, Nottingham and Durham. The Impact Assessment suggests this wider definition should be used because it 'could be beneficial to communities in the Green Belt...without damaging the principles or protections of the Green Belt'. In the light of these examples these assertions are again simply not credible. Similarly, CPRE does not believe that park and ride schemes should continue to be considered as appropriate development in Green Belt areas, due to both the visual harm they cause to openness and on transport grounds in terms of increasing net car mileage and undermining existing public transport provision, hardly benefits for local communities.

- The draft policy in paragraph 145 stating that development will not be 'inappropriate' in Green Belt policy terms if it is brought forward under a Community Right to Build Order. CPRE believes that this proposed change is fundamentally misplaced. Rather, it should be stated that development under a Community Right to Build Order is only appropriate if it falls within one of the exemptions set out within paragraph 144.

140. CPRE is also concerned by the increasing restriction proposed on the creation of new Green Belts. We accept that the creation of new Green Belts should be subject to stringent policy tests. Our local groups believe, however, that there may be a case for new Green Belts in a limited number of specific areas of the country. Our 2010 report with Natural England, *Green Belts: a greener future*, compared data on the environmental quality of Green Belt land with land in 'comparator areas' around large or historic towns and cities with no Green Belt in place, including (amongst others) Exeter, Leicester, Middlesbrough, Norwich, Peterborough, and Swindon. The results of the comparison suggest a strong case for new Green Belts around some large or historic urban areas where they do not already exist on both environmental and regeneration grounds. The report shows that, compared to comparator areas:

- the rate of development in Green Belts is between 33 and 50% lower (p.26);
- Green Belt designation encourages public access as Green Belts have more public rights of way, country parks, and open access land (pp.34, 35 and 37); and
- Green Belt designation also encourages biodiversity as Green Belts have more (all p.56) UK Biodiversity Action Plan priority habitats, woodland (including much more Woodland Trust land accessible to the public - p.105), and Local Nature Reserves, and (p.61/2) more abundant and growing bird and butterfly populations.

141. For these reasons, and also in keeping with the Government's objective for the NPPF to be 'localist', the NPPF should not attempt to prejudge or prevent local debate on whether a new Green Belt is necessary in individual cases.

142. We have suggested changes to cover all the issues above in Section 3 of this response.

Question 14a and b: The policy relating to climate change takes the right approach.

143. CPRE disagrees with this statement.

144. We believe that promoting energy efficiency and reducing energy demand should be the principle planning objective in relation to moving to a low-carbon economy and paragraph 148 should be amended to reflect this (specific recommendations for changes are made in section 3 of this response). We support the Government's assertion that the planning system should provide, 'active support for energy efficiency improvements', but believe that this should be applicable to all new, rather than just existing development.

145. We are concerned that a planning system which 'fully' supports the transition to a low-carbon economy combined with the draft presumption in favour of sustainable development could lead to a default 'yes' to renewable energy, associated infrastructure and other development which fails to integrate adequately environment, social and economic concerns. The final policy should, therefore, require that considerations of flood risk, coastal change and landscape are fully integrated into spatial planning policies.

146. The implied shift from a spatial, 'plan, monitor, manage' approach to planning, to a 'predict and provide' approach in the draft NPPF (noted in paragraph 43 above) is unlikely to ensure that renewable and low-carbon energy generation and associated infrastructure is directed to the least environmentally damaging locations. There is, for example, significant ambiguity about what is meant by 'appropriate location and layout' and what constitutes an 'acceptable' impact.

147. As noted in the answer to 7b relating to transport, that section is at best very weak on reducing greenhouse gas emissions from the transport sector. Indeed unless changed significantly, it is likely to jeopardise the overall objective of securing radical reductions in emissions.

Question 14c and d: The policy on renewable energy will support the delivery of renewable and low carbon energy.

148. CPRE disagrees with this statement.

149. Local planning authorities should have a positive, but appropriate, strategy for promoting renewable and low-carbon energy generation recognising that all communities have a responsibility to contribute in a measured way (paragraph 152). We support efforts to encourage small-scale, decentralised and community-led renewable and low-carbon energy generation initiatives which are affordable and appropriate to the local environment. We do not believe, however, that local planning authorities should be encouraged to ‘maximise’ renewable and low-carbon energy development and apply the ‘presumption in favour of sustainable development’ (paragraph 153).

Question 14e and f: The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities

150. CPRE disagrees with this statement.

151. We believe that a democratically based plan-led system has an important role to play in promoting action against climate change which includes energy efficiency and renewable energy deployment. We firmly believe, however, that the location and extent of renewable and low-carbon energy generation and associated infrastructure needs to be properly controlled to protect sensitive areas of landscape from adverse impacts and minimising the effect on the character of the wider countryside. Furthermore, decisions on the scale and location of renewable energy development should avoid damaging valued rural landscapes - not only those that are designated nationally and internationally designated.

152. As noted above, CPRE is concerned that encouraging local planning authorities to ‘maximise’ renewable and low-carbon energy development, applying the ‘presumption in favour of sustainable development’ could fail to recognise cumulative impacts and ‘ensure that adverse impacts are addressed satisfactorily’. We believe that changes should be made to paragraph 152 to address these concerns and we make specific recommendations for changes in section 3 of this response.

153. ‘Impacts’ should take account of cumulative impacts on the landscape and natural and historic environment, the impact of noise and light pollution and the design and construction of associated development such as access roads and electricity distribution lines and issues surrounding decommissioning. Furthermore, decommissioning licences for renewable and low-carbon energy generation should be time limited and decommissioning requirements should be set out in planning permissions with agreement for the removal of works and reinstatement of land established through enforceable planning conditions or obligations. Regarding associated distribution infrastructure the NPPF should facilitate local distribution of heat and electricity to reduce energy loss and the landscape impacts of overhead electricity distribution lines. Burying distribution lines underground to avoid damaging impacts on the landscape should be encouraged.

154. When ‘identifying suitable areas for renewable and low-carbon energy’ a Landscape Character Assessment should be used to identify locations where the landscape would be unacceptably harmed. This will allow the planning system to take account of the value that affected communities place on their local landscape.

Question 14g and h: The policy on flooding and coastal change provides the right level of protection.

155. CPRE disagrees with this statement.

156. We are concerned that the draft policy on coastal change, encouraging ‘coastal change management areas’, could run counter to policies protecting the undeveloped coast expressed in the natural environment section (see below). At present, paragraph 161 allows any development deemed ‘appropriate’ by a local authority to take place within such an area, provided the

‘character of the coast including any designations is not compromised’. It should be clearly stated that such restrictions should normally apply to all areas of undeveloped coastline.

Question 15a and b: Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

157. CPRE strongly disagrees with this statement.

158. We are concerned that the cumulative impact of the policies in the Framework will result in a loss of protection for the natural environment, and in particular the wider, undesignated countryside. This seems to disregard the findings of the UK National Ecosystems Assessment, which was the first analysis of the UK’s natural environment in terms of the benefits it provides to society and continuing economic prosperity, and undermine the commitments made in the Natural Environment White Paper. We make specific recommendations to address the concerns set out below in section 3 of the response.

159. CPRE is extremely concerned to see that there is no reference to undesignated land and the intrinsic value of the wider countryside. The previous Government’s objectives set out in PPS4 state ‘Local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all.’ The draft NPPF omits any mention of how important, and intrinsically valuable, the wider countryside is. This is a huge omission and one that the Government should address in any revised NPPF. Counsel’s opinion is that the loss of this policy in conjunction with the draft NPPF overall ‘will represent a significant weakening of countryside policy’.

160. In paragraph 165, the text suggests that local authorities should consider various environmental factors but then reminds them this must be set against the presumption in favour of development. CPRE feels that the current text is open to misinterpretation and is therefore almost meaningless. For example PPS4 requires local planning authorities to ‘strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.’ CPRE believes it is vital that undesignated countryside continues to be preserved and development directed away from these areas, where possible.

161. We remind the Government of the UK commitment to the European Landscape Convention (ELC), which came in to force in the UK in 2007. The Convention emphasises the importance of ‘everyday’ landscapes alongside designated landscapes. The draft NPPF, by suggesting that some landscapes are more ‘valued’ than others, is in CPRE’s view fundamentally at odds with the Convention. The Convention should be explicitly referenced.

162. CPRE welcomes the continued commitment in the draft NPPF to protect National Parks and Areas of Outstanding Natural Beauty. We do not believe, however, that the wording used in the draft NPPF about protection and consideration of proposals for major development is as clear as it is in paragraphs 21 and 22 of PPS7: *Sustainable Development in Rural Areas* and we call for the existing PPS7 wording to be reinstated. In particular it should be clearly stated that the natural (as opposed to just the scenic as in the draft) beauty of these landscapes should be protected, to ensure consistency between statutory arrangements for management and planning decisions. CPRE also calls for the final NPPF to require decision makers to have regard to the setting of protected areas when considering development in land outside them but which is likely to have an effect on setting. This would make the NPPF consistent with the National Policy Statement on overarching energy, EN-1, which at paragraph 5.9.12 includes policies to this effect.

163. We are also disturbed by the proposed draft policy on best and most versatile (BMV) agricultural land, which in our view is unacceptably weak (paragraph 167, bullet point 3). This is contrary to undertakings in both the 2010 Conservative Party Green Paper *Open Source Planning* that ‘We will introduce into our national planning framework rules preventing the development of the most fertile farmland, in all but exceptional circumstances’ and in paragraph 2.35 of the Natural Environment White Paper. It is also relevant that the report of the Defra Independent Farming Regulation Task Force, published in May 2011, called for the NPPF to ‘explicitly support sustainable and productive farming’.

164. We are pleased to see biodiversity and geodiversity incorporated in the natural environment section. CPRE would also like to see hedgerows mentioned in draft paragraphs 168 and 169, as a

valuable habitat alongside ancient woodland and veteran trees and a key part of the nation's ecological network.

165. We welcome the assessment of the impacts of pollution on health, the natural environment and general amenity set out in this paragraph 171. However, the glossary definition of pollution fails to include noise or light emissions in the examples given despite their significant impact. To reduce uncertainty in this paragraph and the potential that this might undermine the efficiency and effectiveness of the planning process, the Glossary definition should be revised.

166. We wholly welcome the formal recognition in policy of tranquil areas within paragraph 173, bullet three of the draft. Tranquil areas are likely to make a key contribution to the improvement of health and quality of life aim of the Noise Policy Statement. We urge however that the policy should state that tranquil areas should be justified on the grounds of their 'identified value' as we fear that there may be scope for contestation around the use of the word 'prized', thereby discouraging local authorities and others from taking advantage of the proposed policy.

167. We welcome the injunction that tranquil areas should be identified. We would, however, welcome recognition in this paragraph of the value to the experience of tranquillity - and therefore the recreational and amenity value of such areas - that arises from the absence or relative absence of forms of visual intrusion. Extensive and rigorous research has been carried out by Northumbria and Newcastle Universities for CPRE and Natural England on the experience of tranquillity¹². Also, this research and the mapping outputs - maps and data - have been used by numerous National Park authorities, AONBs and by county, unitary and district councils. This means that a wider concept of tranquillity including the impacts of noise and visual disturbance is already commonly applied by those organisations. It would ensure greater coherence in interpretation of these provisions if they were to reference areas which are valued also for being relatively undisturbed by noise or visual intrusion.

168. In addition, we note that the provisions for protection of valued landscape set out in paragraph 167 refer to the need to protect and enhance biodiversity networks, green infrastructure and distinctive landscapes. We believe that there is great potential for areas of tranquillity to benefit from positive planning to enhance their tranquillity potential by for example burying power lines underground, improving land cover, removing unsightly installations and mitigating visual impacts through careful planting of trees and woodland. This indeed should be a significant aspect of green infrastructure planning. It would be helpful if the text in paragraph 173 of the draft recognised this potential to improve areas of tranquillity and hence their contribution to health, including mental health and well-being as well as quality of life.

169. We suggest that a definition of areas of tranquillity be inserted in the Glossary to make clear that these may be assessed on the basis of their relative absence of the negative factors of noise and visual intrusion as well as positive benefits of natural features.

170. CPRE welcomes paragraph 175 of the NPPF which refers to encouraging good design, planning policies and decisions in order to limit the impact of light pollution. CPRE has long campaigned for planning control of lighting, so that any new development would need planning permission for the lighting scheme and any changes to lighting on existing developments would also require planning permission. The House of Commons Science and Technology Select Committee recommended this in 2003 and the Royal Commission on Environmental Pollution reiterated this proposal in their 2009 report on artificial light. In 2010, CPRE ran a lighting nuisance survey to which almost 1,400 people responded. We produced a report of the findings which support the need to control light pollution. In another survey (Star Count 2011) carried out by CPRE 84.6% of 2,099 respondents said that external lighting should require planning permission.

171. In principle, CPRE welcomes the proposed Local Green Space designation set out in paragraphs 130-132 of the draft (this is within the section titled 'sustainable communities' rather than the natural environment section). We are concerned, however, that it will have little impact in practice if it is taken forward as proposed in the draft NPPF. This is because there is a heavily restrictive approach to the application of the new designation. We comment on this issue in more detail under question B4.2 below and have suggested revised wording to the policy in Section 3 to cover these issues. We also agree with the comments made by Sport England in its response regarding the maintenance and protection of playing fields (Sport England's Key Policy 4).

¹² For more details see CPRE, *Saving Tranquil Places*, October 2006.

Question 16a and b: This policy provides the right level of protection for heritage assets.

172. CPRE disagrees with this statement.

173. We are concerned that as it currently stands, the NPPF represents a loss of protection for the historic environment. Our key concerns are outlined below and suggested changes to address these and other issues are set out in section 3.

174. The recognition that heritage assets are a non-renewable resource is not clearly set out in the objectives for the Historic Environment section of the NPPF (paragraphs 176 - 177). We believe that this principle, clearly set out in the opening objectives of PPS5: *Planning for the Historic Environment*, should feature prominently in the NPPF to ensure clear recognition that once lost, heritage assets cannot be replaced.

175. CPRE is concerned that there is no reference in the NPPF to the contribution of heritage assets to sustainable development and climate change mitigation. We recognise that the historic environment is referenced in the Climate Change section (paragraph 151) but this refers to harm to heritage assets rather than the contribution it can make to mitigation. Retaining heritage assets, which can in many cases can be sensitively retro-fitted to significantly improve their carbon emissions performance, and assigned new uses or altered to suit modern day uses, without compromising the significance of the asset, is an important aspect of sustainable development. Further reference in the Climate Change section or an addition to the Historic Environment section is strongly recommended to address this omission.

176. We are also concerned that the importance of conserving the historic character of an area is not explicitly referred to in paragraph 178 of the draft. The historic character of an area tends to be a major contributor to local distinctiveness and sense of place.

177. CPRE believes that the NPPF would extend greater protection to the historic environment if it better addressed the management of harm to the significance of heritage assets. First, protection would be enhanced if an additional paragraph was added explaining the harm that can be caused to a heritage asset by impacting on its setting, as well as by direct impact on an asset. Second, the NPPF should recognise that while small changes on their own may not cause substantial harm to the significance of a heritage asset or its setting, the cumulative impact of small changes can cause significant damage and this is a common issue for heritage assets.

178. In addition, at present the draft NPPF also provides no guidance on managing less than substantial harm to heritage assets. This omission represents a loss of protection for the historic environment as there is no policy on what level of harm is acceptable if this ensures the long term viable use for a heritage asset, and how this harm should be managed against the conservation requirements of an asset.

179. CPRE is disturbed that as currently phrased, paragraph 179 seems to strongly imply that no new Conservation Areas should be designated. While we recognise that areas that lack special interest should not be designated, areas that are considered to be of special interest by local communities, do by their very nature, merit such designation and this should not therefore be discouraged. This would be consistent with the Government's commitment to localism.

180. There is no recognition in the NPPF that, even with up to date evidence about the historic environment, it is not always possible to predict the presence of a heritage asset or its significance until it is actively uncovered during development. Acknowledgement that previously unknown heritage assets of significance may be revealed during work, and proper provision for their safeguarding and recording, should be made in the historic environment section.

181. CPRE also notes that currently local lists are only referred to in the glossary, under the definition of 'heritage assets'. It may be useful for mention of local lists to be made in the main text of the historic environment section in recognition of the significance of heritage assets so listed.

Question 18: Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

182. There are a number of inconsistencies between the draft NPPF and draft traveller sites policy. In particular, the draft traveller sites policy states that:

- Previously developed land should be preferred to greenfield
- Development in the countryside outside existing settlements should be strictly controlled
- There is a general presumption against inappropriate development in Green Belts

183. CPRE urges that in these cases, the NPPF should be made consistent with the traveller sites policy. We believe that all these policies are sound and should apply to all development regardless of whether it is traveller development or not.

Section 2b: Responses to questions posed in the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

184. The Impact Assessment, and the evidence underpinning it, appears in CPRE's view to reflect the overall bias of the NPPF towards the achievement of a limited concept of economic growth. In particular, there is only limited acknowledgment of the wider (particularly environmental and social) principles of sustainable development set out in the 2005 UK Strategy, and the NPPF does not clearly set out how those principles might be achieved through objectives and indicators. We highlight in this section what we perceive to be a number of important gaps in the evidence. We have responded to those questions in the Impact Assessment where we have substantive answers to give.

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

185. A consequence of the omission of a definition of sustainable development, or any reference to the principles set out in the 2005 Strategy, is that the impact assessment omits a large body of evidence relevant to planning for sustainable development.

186. For example, environmental capacity and limits can be seen to be particularly pressing issues in relation to new housing and other forms of development that the NPPF seeks to promote in particular English regions. A major Government-sponsored study by UK Foresight, published in February 2010, noted the serious levels of water stress in most of the South East and much of the East of England. This followed a further study by Entec for Defra in 2004 which found that a major increase in the supply of housing would have a number of adverse consequences ranging from increased mineral and water extraction to production of waste.

187. Studies carried out by Land Use Consultants for CPRE in 2007 show a similar picture of stress in many English regions in relation to other important indicators of environmental nuisance under the broad heading of 'intrusion'¹³, such as visual and noise pollution. That is why we are able to support the reference to the protection of tranquillity in the draft NPPF (see response to question 15 above); though on the basis of our research we believe the definition of 'tranquillity' should cover visual intrusion as well as noise pollution.

188. More generally, there is likely an added cost burden on local planning authorities of having to write additional local policies or guidance if important detail is lost from either national policy or guidance.

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

189. CPRE considers it unlikely that the £1million savings in Planning Inspectorate examinations of local plans, suggested in the Impact Assessment, will be realised if the Government introduces either or both of (i) a requirement to identify five years' worth of land plus 20% for new housing and (ii) the suggested 'certificate of conformity' with national policy. Introducing (i) is likely to involve longer rather than shorter local plan inquiries and (ii) would require a similar or greater level of examination than presently to ensure that a local plan 'conforms' with national policy. We have made further comments about the proposed 'certificate of conformity' under Question 2 (b) in Section 2a of this response.

QA5: What behavioural impact do you expect on the number of applications and appeals?

190. See also our comments under question QB1.1 and QB1.2 below.

191. We expect that the number of planning appeals, in particular, will significantly increase. There is a grave risk of developers resorting to the planning appeals process to a greater degree than has been the case since the introduction of the plan-led system of development control in

¹³ For more details of work commissioned by CPRE on intrusion go to www.cpre.org.uk/resources/countryside/tranquil-places.

1991. If this took place it would be the exact antithesis of localism and of the Minister's desire for 'fewer appeals to the Planning Inspectorate and more decided locally' (House of Commons Hansard 17 May 2011). It would also contradict the Government's stated desire for a fast, efficient and more certain planning system. The risk of the presumption leading to more appeals has been noted in the impact assessment (p.30), but it stated that 'it is difficult to quantify the scale of this risk'.

192. The head of planning at British Land (a company which has openly supported the reform) has recently noted that in the 1980s, when there had previously been a policy presumption in favour of development, the number of appeals had risen to 30,000 a year (compared to around 16,500 appeals being submitted in 2010/11). He stated that 'it [the NPPF as drafted] will often provide a basis for applicants to appeal because they believe it offers a route to the approvals they want'¹⁴. CPRE analysis has led us to conclude that the proposed presumption would indeed be likely to lead to a near doubling in the number of appeals (to around the 30,000 a year level mentioned by British Land) against refusals of planning permission, compared to current (2010/11) levels (see response to Question 1 of the main consultation and Annex 2, Table 2).

193. We are also concerned that developers are likely to use the planning appeals system as a means to pressure local authorities into granting planning permission, even where an appeal is not taken through to a final decision. A particular characteristic of planning in the late 1980s was the high figure of appeals that were withdrawn (between 5 and 9 times more than in 2010/11). Alongside this it should be remembered that in the 1980s, as now, the vast majority of planning applications (at least 80% in each year) have been approved.

194. Not only would such an outcome frustrate the achievement of local objectives for development - the reverse of localism - it could also significantly add to the current cost of the appeals system (£29 million in the year 2009/10). There are also further costs for local authorities and community groups resulting from an increased need to respond to planning appeals, which are often likely to frustrate attempts to prepare an up-to-date plan. This is of particular concern given the fact that a majority of local authorities do not have a sound or adopted plan (as noted on pp.20-22 of the Government's Impact Assessment which accompanies the draft NPPF), which we explore in more detail in response to questions QB1.1 and QB1.2 below.

QA6: What do you think the impact will be on the above costs to applicants?

195. As mentioned elsewhere we believe that the draft NPPF would, if implemented in its current form, in practice lead to a deeply dysfunctional planning system. Overall the costs to applicants are likely to increase in a similar fashion to those for local authorities and other members of civil society. There is a small possibility that applicants for planning permission are slightly more likely to gain an initial grant of planning permission than under the current system, but this is likely to be a minimal benefit given that the vast majority of planning applications (over 80%) are already approved. Any benefit for applicants accruing from this in terms of time or cost is likely to be considerably outweighed by the added costs and delays resulting from more intensive community consultation than might have otherwise been necessary (especially in areas where no plan has been adopted), an increased resort to appealing with its associated costs and timescales, as well as an increased need to factor in judicial review (which again is particularly likely in cases where there is no adopted plan).

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

196. CPRE has long supported the consolidation of national planning policy in principle. Our concerns with the draft NPPF are primarily about content. The Government still needs to address one issue of overall form, however, which is that of supporting guidance once the NPPF is published. See also our response to Questions 4a and 4b above.

QB1.1: What impact do you think the presumption will have on:

- i. the number of planning applications;*
- ii. the approval rate; and*
- iii. the speed of decision-making?*

QB1.2: What impact, if any, do you think the presumption will have on:

- i. the overall costs of plan production incurred by local planning authorities?*

¹⁴ Quoted at planningresource.co.uk, article dated 6 September 2011

ii. engagement by business?

iii. the number and type of neighbourhood plans produced?

197. An important issue relating to these questions is the effect of the presumption on the preparation of plans. As mentioned above, CPRE believes that the presumption as presently drafted will serve to undermine the preparation of plans in practice by giving an incentive for developers to both stall the adoption of plans and then wear down local resistance through resorting to the appeals process. Detailed transitional arrangements therefore need to be developed urgently so that local planning authorities are given time to ensure their local plans can have regard to the final NPPF. We suggest that a period of three years from the date of the formal adoption of the final NPPF should be given for local authorities to prepare and adopt updated local plans. We are concerned that without these arrangements, on the day the NPPF is launched all local plans could effectively be out of date in many key respects (particularly in relation to policies on housing and economic development) and the 'presumption in favour' will result in development being generally permitted unless the associated impacts were demonstrably severe. This would undermine the Government's commitment to the plan-led system and localism.

198. CPRE has analysed progress in the preparation of development plans within local authorities¹⁵. This shows that almost half of England's local authorities (48 per cent) will be without an adopted Core Strategy development plan document on 1 April 2012 when the NPPF may reasonably be expected to come into force. Almost a fifth (17 per cent) of local plans are still likely to be missing a year later. This means that planning applications in those areas will be decided primarily in accordance the presumption in favour of sustainable development. Given our concerns with the presumption as currently drafted, CPRE would be deeply alarmed if such a scenario was to come to pass.

199. The problem is further compounded by the fact that two out of three local authorities are facing cuts to their planning budgets, leaving many struggling to get plans in place in sufficient time. In our view this would also be considerably exacerbated, and local resources further depleted, by the incentives provided by the draft NPPF to developers to appeal more often (see response to QA5 above).

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

200. CPRE does not agree with the premise of this question, which highlights the wider issue of the omission of any reference to the five principles of sustainable development (as currently set out in the 2005 UK Sustainable Development Strategy). As the Strategy clearly explains, sustainable development means achieving economic, social and environmental outcomes in an integrated manner rather than trading them off. The draft NPPF in our view is unreasonably slanted towards the achievement of a narrow set of economic outcomes. The considerable weakening of existing planning policies that this entails will, in our view, lead to deeply negative environmental (including, but not limited to, the loss of planning protection for at least half of the countryside) and social (including the loss of focus on directing new development to previously used land in urban areas) outcomes. Further, we do not believe that deregulation of the planning system will lead to long term, sustainable economic growth.

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

201. Please see response to question QA5.

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

202. CPRE does not believe that a fair representation of costs or benefits has been presented, because the Impact Assessment fails to set out all the reasonable policy options available to the Government. For example, the option of having a presumption in favour of sustainable development with, for example, a different wording and/or underpinned by the 2005 UK Strategy has not been considered.

¹⁵ See www.cpre.org.uk/media-centre/latest-news-releases/item/2556-silence-of-the-plans-risks-building-horror-story

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

203. We believe that this change, announced as part of the March 2011 *Plan for Growth*, if it was coupled with the loss of the brownfield first policy more generally, would be unlikely to increase the overall supply of housing for reasons we set out elsewhere in this response (in particular QB3.2 below). We are very concerned, however, that it will lead to more housing being built in less sustainable locations and less of it in places (such as urban areas with large amounts of brownfield land suitable for development) where development investment could benefit an area. For these reasons we strongly believe that the NPPF should state a brownfield first policy. We address this issue in detail under Question 10 above.

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

204. CPRE does not think that an additional 20% requirement for allocating 'deliverable' land (as opposed to 'developable' land in the terms used in the draft NPPF) is justified, either in terms of providing more housing or its effect on patterns of development. We are aware that since the publication of the consultation draft NPPF the Government has issued further statements suggesting that the additional land required could be brought forward from the longer term supply of developable land required by the draft NPPF and by existing policy in PPS3. This does not alter our firm belief that the 20% policy should be removed. The introduction of the requirement is likely to force local authorities into conducting more controversial and expensive consultation exercises on housing land supply than under present requirements; and a number of councils with an adopted plan would be required to revisit their housing policies in order to meet it, or be forced to approve applications that went against local policies.

205. We are also concerned that the requirement will force local authorities to prematurely allocate greenfield or (where relevant) Green Belt land for housing. This is because (i) the timescales for bringing brownfield sites forward from the 'available' and 'suitable' stages to being 'deliverable' in planning policy terms are often more complicated and uncertain than for the equivalents for greenfield; and linked to this (ii) it is proposed that in general that local authorities will not be allowed to include windfall sites within either the five-year supply of deliverable land or for the subsequent five years of developable land. This in turn could revive the perennial planning problem of developers 'cherry picking' easier to develop greenfield sites, at great environmental and social cost.

206. We also do not believe that a requirement to identify an increased area of land for housebuilding will help speed up the delivery of new high quality, affordable homes. The Government will be aware that the majority of new housebuilding in England is carried out by the largest housebuilding firms. As Annex 2, Table 3 shows, the gap between the landbanks (with outline planning permission or better) of the largest housebuilders on the one hand and overall housing starts on the other has doubled since 1998. In CPRE's view these figures show that the problem is not one of local authority planners allocating insufficient land for development or proposals not being granted planning permission. Rather, the draft NPPF, by forcing local authorities to allocate more land for housing development, will exacerbate an already growing problem by encouraging large housebuilding companies to buy up more land and control, to an even greater degree than now, the amount of housing being built.

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

207. CPRE is particularly concerned that the Government may be significantly under-estimating the value of both Green Belt policy and the land protected as Green Belt to society. The consequences of this are that, first, although the broad framework of protection remains in place for existing areas of Green Belt, there appears to be a general move to add further and unwarranted flexibility at a number of points (see our response to Question 13 above) to what is already a very flexible policy. Second, the draft NPPF is unduly negative on the question of new Green Belts, and appears dismissive of the argument that new Green Belts could be a catalyst to both a better natural environment and urban regeneration in many parts of the country.

208. The analysis of the value of Green Belts in the impact assessment largely relies on a single study carried out by Hanley and Knight in 1992, quoted by the Barker Review of Land Use Planning, suggesting that the present benefit of Green Belt land was £200,000 per hectare per year (see p.52 of the impact assessment). Though we understand this study to be of good quality, it only relates one element of ecosystem services (cultural value expressed as willingness to pay) to a single site in Chester. The 2010 CPRE-Natural England report *Green Belts: a greener future* shows that Green Belt land, which covers 13% of England, includes a range of other services associated with undeveloped land including 250,000 hectares of best quality agricultural land, 89,000 ha of sites of special scientific interest (SSSIs) and 220,000 ha of broadleaf and mixed woodland, amongst other environmental benefits all with their own additional and distinct ecosystem service value. Many of these benefits (particularly the quantities of SSSIs and woodland) will have increased over time and the protection against development afforded by the Green Belt designation will have played a critical role in this. Furthermore, there is also a quite separate issue of the role of Green Belt policy, which is likely to be significant, in creating economic benefits in large or historic urban areas by encouraging regeneration and concentration of economic uses within them. The Impact Assessment, and the 1992 study on which it is based, is therefore likely to be an underestimate of considerable magnitude of the true value of both large areas of Green Belt, and of the maintenance and extension of the existing policy.

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

209. CPRE welcomes the proposed Local Green Space designation in principle. We are concerned, however, that it will have little impact in practice if it is taken forward as proposed in the draft NPPF. This is because there is a heavily restrictive approach to the application of the new designation.

210. We are concerned that the text in the draft NPPF suggests that local communities will only be able to designate land as Local Green Space if it does not conflict with local authority plans for 'sustainable development', investment in homes, jobs and other essential services. This could be interpreted as communities only being able to designate parcels of land that the local authority does not plan to develop in the foreseeable future. The proposed draft NPPF also does not mention existing local landscape designations, such as Metropolitan Open Land (MOL), and how these designations will sit alongside the new Local Green Space designation.

211. We note that the model for the new designation appears to be MOL, a planning designation used in London to designate strategic areas of green space, which importantly can vary in size (London Plan paragraph 3.302). We welcome the proposed scope for the designation to be used in local and neighbourhood plans for assets of importance to particular communities. We believe, however, that the designation should be capable of use, as is currently the case in London, for wider areas of open space or countryside at a more strategic level. Ultimately, there may also be cases where a new Green Belt, rather than Local Green Space, is required (see also our comments at Question 13 on new areas of Green Belt).

212. To be meaningful, we believe that communities should be able to promote sites for the new designation at the outset of the local plan process, and not after site allocations in development plans have been decided in principle. We also do not believe that it would be appropriate to allow the same categories of development on local green spaces as are currently deemed 'appropriate' in Green Belts, especially if the designation is intended to apply to particularly small areas of open space. For example, agricultural or engineering development could destroy an entire green space and defeat the object of designation. For this reason, CPRE recommends that it should instead be stated that all forms of development on a designated Local Green Space are inappropriate unless very special circumstances outweighing the harm to the space and the potential impact on the community can be proven.

213. Accordingly we recommend that the final NPPF should not include a presumption against designating extensive tracts of land as Local Green Space. Rather, it should state that if local authorities intend to use the designation on larger tracts of land, this should be justified in terms of strategic significance, which could be demonstrated by serving a wide catchment area or drawing visitors from several surrounding districts, as is currently the case in London. More extensive designations should also come about as a result of co-operation between any relevant local planning authorities. We have suggested revised wording to the policy in Section 3 to cover these issues.

Section 3: Specific recommendations for amendments

This section contains CPRE's recommendations for specific amendments to the text of the consultation draft NPPF, with references to sections and paragraph numbers in the draft. These are very much initial proposals. We would be delighted to discuss these in more detail with officials. We have also been discussing possible amendments with other bodies, including those with development interests, which we hope will result in some joint proposals in due course.

Delivering sustainable development

Reword paragraphs 10 and 11 as follows:

'10. In delivering sustainable development, the planning system should follow the five guiding principles of sustainable development:

- Living within environmental limits - Respecting the limits of the planet's environment, resources and biodiversity - to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.*
- Ensuring a Strong, Healthy and Just Society - Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.*
- Achieving a sustainable economy - Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.*
- Promoting good governance - Actively promoting effective, participative systems of governance in all levels of society - engaging people's creativity, energy, and diversity.*
- Using sound science responsibly - Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*

11. These five principles should be pursued in an integrated way, looking for solutions which deliver multiple goals. There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable solutions.'

Delete paragraph 12.

Reword paragraphs 13-16 as follows:

'13. The Government is committed to the purpose of planning, to contribute to the achievement of sustainable development. This includes helping to achieve sustainable economic growth¹⁶.

14. At the heart of the planning system there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should:

- prepare Local Plans with a positive approach to new development, on the basis that objectively assessed and agreed development needs should be met, and with sufficient flexibility to respond to shifts in social, economic or environmental circumstances;*
- approve development proposals that accord with statutory plans (including Local Transport Plans) in a timely manner; and*
- Decide the application in accordance with the relevant policies in this Framework and other material considerations where there is no relevant Local Plan policy. Permission should be granted in these cases if the proposal would further the achievement of sustainable development and meet the needs and aspirations of the local community.*

¹⁶ Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles.

15. All plans should contain clear policies that will guide how the presumption and the core planning principles (see below) will be applied locally.

16. Due to the emphasis on sustainable development there should be a presumption against the following types of development because they would not be sustainable

- Development likely to have a significant effect on Sites of Special Scientific Interest;
- Inappropriate development in the Green Belt;
- Development of office, retail or leisure uses outside an identified town centre;
- Major development (see Glossary) in World Heritage Sites or in nationally or internationally designated landscapes;
- Transport infrastructure that does not lead to modal shift to public transport, walking or cycling for people or in the case of freight to rail or water; or
- Development on the undeveloped coast or the best and most versatile agricultural land.'

Core planning principles (paragraph 19)

Alter opening sentence to read: *'The following set of core spatial planning principles set out how sustainable development should broadly translate into local planning. The principles should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities.'*

After first bullet insert:

- *'Plans should take account of the range of effects, both positive and negative, of development on society, the economy and the natural and historic environment.*
- *Plans should be properly based on analysis and evidence, and policy makers should exercise soundly based judgement when the evidence is uncertain.*
- *Local planning authorities should take full account of the need for transparency, information and participation.'*

Reword the second, third, fifth, sixth, seventh and eighth bullets, and insert new bullet after the third bullet, as follows:

- *'planning should support the sustainable development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth*
- *planning policies and decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability as part of the wider evidence base for local plans. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the range of effects, both positive and negative of development on the economy society and the natural and historic environment*
- *planning policies should, as a matter of course, require the use of previously developed land before greenfield land where it is suitable to meet identified housing, business and other needs*
- *planning policies and decisions should seek to protect and enhance environmental and heritage assets, and reduce pollution.*
- *planning policies and decisions should make effective and efficient use of land, promote well designed, mixed use developments that nurture more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)*
- *planning policies and decisions should encourage the reuse of existing resources, such as through the conversion of existing buildings; and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)*
- *planning policies and decisions should actively manage patterns of growth to secure a modal shift for people to public transport, walking and cycling, and for freight to rail and water, in particular by focusing significant development in locations which are or can be made sustainable'*

Plan-making

Paragraph 21, reword last sentence to read: *‘Additional local development documents may be used where regard has been had to any or all of the core planning principles above.’*

Paragraph 23, reword as follows:

‘23. Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- housing and economic development requirements*
- the provision of retail, leisure and other commercial development*
- the provision of infrastructure for minerals, waste, energy, telecoms, water supply and water quality*
- the provision of infrastructure to widen transport choice and better management of existing transport infrastructure*
- the provision of health, security, community infrastructure and other local facilities*
- climate change mitigation and adaptation, and*
- protection and enhancement of the natural and historic environment, including landscape, Local Nature Partnerships and/or Nature Improvement Areas, and where relevant the management of coastal areas, Areas of Outstanding Natural Beauty, and setting of the general extent of Green Belts.’*

Paragraph 24: before first bullet insert:

- ‘give particular weight to the core planning principles above’*

Paragraph 24: reword ninth bullet as follows:

‘clear strategy for the built, historic and natural environmental enhancement of the area’

Paragraph 27: reword first sentence from ‘relevant evidence about’ as follows:

‘...the economic, social, built, historic and natural environmental characteristics and prospects of an area’.

Paragraph 39: reword as follows: *‘To enable a plan to be deliverable, obligations and policy requirements applied to development should be drawn up having regard to both the sustainable development of the local area and the ability to develop sites viably’.*

Paragraph 41: remove final phrase, so that paragraph finishes as follows:

‘...the cumulative impact of these standards and policies should not put implementation of the development plan at serious risk.’

Paragraph 48: delete first bullet point (‘positively prepared’).

Development Management

Paragraph 64, reword as follows:

‘Local planning authorities can consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and enable sustainable development that is set out in the Local Plan. The use of article 4 directions to remove national permitted development rights should be used where it is necessary to protect the local natural or historic environment or the general amenity or the wellbeing of the area (this could include the use of article 4 directions to require planning permission for the demolition of local facilities). Planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.’

Paragraph 65: at the end insert the following text:

‘Development should not be permitted through a neighbourhood development order if it could directly affect non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments.’

Insert the following three paragraphs at the end of the development management section (currently paragraph 70):

'X. The integrity of the development management process depends on local planning authorities' readiness to take effective enforcement action when it is essential, in order to achieve a satisfactory, lasting and cost effective remedy.

Y. In taking enforcement action local planning authorities should be guided by the following considerations:

- Whether the breach of control would unacceptably affect the natural or historic environment, public amenity or the existing use of land and buildings meriting protection in the public interest;*
- action should always be commensurate with the breach of planning control to which it relates; and*
- where the authority's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be feasible or required to make the development acceptable on planning grounds, or to compel it to stop.*

Z. Where, in the authority's view, unauthorised development has been carried out and the authority considers that:-

- (1) the person responsible for the breach will not submit a planning application for it (despite being advised to do so); and*
- (2) the breach is causing serious harm to public amenity in the neighbourhood of the site, the authority should normally take vigorous enforcement action to remedy the breach urgently, or prevent further serious harm to public amenity.'*

Business and economic development

Paragraph 72, reword as follows:

- 'plan proactively to meet the needs of business to develop sustainable and to support a competitive sustainable economy, fit for the 21st century*
- promote the vitality and viability of town and other centres*, and meet the needs of the entire community for high quality and accessible retail, leisure, cultural and other services; and*
- raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural communities, while continuing to protect the open countryside for the benefit of all.'*

**'Town and other centres' should be defined in the Glossary, to include city, town (including market towns), district and local centres including neighbourhood centres and large villages in rural areas performing the role of a local centre'*

Paragraph 75, reword as follows:

'Planning policies should avoid the protection of employment land or floorspace where the current or expected need for the use has declined. In such instances applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals, the relative need for different land uses, and the appropriateness of the proposed new use in particular locations and in the context of other plan commitments.'

Paragraph 76, first bullet, reword as follows:

- 'recognise town centres as the heart of their communities and engines of sustainable local economies and plan to promote town centres as the preferred location for main retail, leisure, commercial and cultural activities to ensure their long-term viability and vitality'*

Paragraph 76, second bullet, reword as follows:

- 'define a network (the pattern of provision of centres) and hierarchy (the role and relationship of centres in the network) of centres that is resilient to anticipated future*

economic changes. Applications for development in these centres should be assessed to ensure it is proportionate in scale to the role of that centre in the network and hierarchy

- *local planning authorities should monitor the vitality and viability of their town and other centres to inform judgements on the impact of policies and applications for development'*

Paragraph 76, fourth bullet, reword as follows:

- *'recognise that a diverse mix of uses and the quality of the environment can play an important role in ensuring the vitality of centres and set out policies to encourage a diversity of uses in centres and improve the physical quality of the town centre through high quality development on appropriate sites'*

Paragraph 76: insert the following between the fourth and fifth bullets:

- *'apply a sequential approach to allocating sites for main town centre uses. This means local planning authorities should identify suitable, viable and available sites in the following order, while prioritising the reuse of previously-developed land before greenfield*
 - *town centre*
 - *edge of town centre sites well-connected to the centre*
 - *edge of centre sites easily accessible by walking, cycling and well served by public transport to a range of destinations*
 - *out of centre sites which would have high levels of relative accessibility by sustainable transport modes'*

This would allow simplification and amalgamation of paragraphs 77 and 78. Paragraphs 77 and 78, reword as follows:

'77. Local planning authorities should apply the sequential approach to planning applications for main town centre uses, including redevelopment, extensions or variations of conditions which are contrary to the development plan.'

Paragraph 76, reword fifth bullet as follows:

- *'allocate a range of suitable sites to meet the needs of the diverse mix of town centre uses. It is important that as far as is possible retail and leisure needs are met. In line with the other policies in the NPPF, local planning authorities should monitor the vitality and viability of different centres in their hierarchy and network, and plan for the expansion or contraction of centres in response to these assessments. Where expansion is desirable but not possible, local planning authorities should assess the capacity of alternative centres with the potential for growth'*

Transport

As stated in our response to questions 7a and b we believe that the transport section needs to be radically redrafted. We therefore recommend that the following text replaces existing paragraphs 87-94 of the draft NPPF:

'The planning system has an important role to play in furthering transport objectives, while transport policy plays a vital contribution to achieving all three strands of sustainable development. It is therefore imperative that there is close integration between transport and land use planning both in terms of their objectives and co-operation between authorities delivering them, whether in terms of plan making, development control, transport planning and managing transport infrastructure and services.

Good transport planning is vital if we are to secure the right type of growth, that is growth in jobs, homes and opportunities rather than growth in congestion, journey distance to reach key services or carbon emissions. In the context of transport, delivering sustainable development means:

- *economic role: using the planning system to secure patterns of development to further economic growth, generate agglomeration benefits, reduce trip distances and congestion, and to help improve the viability of new and existing public transport.*

- **social role:** using the planning system to increase accessibility, particularly for disadvantaged members of society; to secure health benefits from much higher rates of physically active travel; and to improve the public realm with reduced community severance and danger from motor traffic.
- **environmental role:** using the planning system to reduce greenhouse gas emissions from transport in line with legal targets; to secure more efficient land use by tackling sprawl and minimising the amount of land needed for transport infrastructure (including parking); and to reduce noise and air pollution as well as their impacts.

To this end, the objectives of transport policy are to:

- facilitate sustainable economic growth by positively promoting the right sort of development in the right place; this means encouraging higher densities at locations with the best accessibility by sustainable modes of transport;
- give people and businesses a real choice about how they travel as well as any goods they need or produce; this can include travelling less or not at all, such as through smarter use of technologies and planning for the location and mix of development to minimise trip distances;
- secure a shift to more sustainable modes of transport in order to secure reductions in greenhouse gas emissions and congestion. For people this means a shift from car-based travel to walking, cycling and public transport. For goods it means a shift from road to rail and water based transport.

Patterns of development

In order to support these transport objectives, planning policies and decisions need to support patterns of development that secure a shift to sustainable modes of transport and minimise trip lengths for everyday journeys. This means policies and decisions should:

- focus development where the need to travel, particularly by car, will be minimised, specifically around locations where public transport services offer access to a range of potential destinations; this is particularly important for developments that generate significant movement;
- promote higher densities in locations with better accessibility by sustainable transport modes;
- consider the relative accessibility of developments by a range of transport modes and ensure that sustainable modes are made more competitive, particularly where there is potential to change existing unsustainable travel patterns;
- support a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Key facilities such as primary schools and local shops should be located within walking distance of most properties and public transport services should be available to access a range of potential destinations. It is important that the viability of existing key facilities is protected and that opportunities are taken to support new facilities and opportunities in existing settlements where there are gaps in provision. In rural areas where levels of accessibility may be lower, development should be focused in existing larger settlements and planning authorities should be realistic about the availability or likely availability of alternatives to access by car as not all locations, particularly in remoter areas, can be served well by public transport.

Local planning authorities should work collaboratively with neighbouring authorities and highway authorities to consider which routes are most suitable for use by road freight. Such routes should avoid congested inner urban areas, residential areas and rural roads that are environmentally sensitive. In order to secure modal shift of freight and, for transhipment journeys or where modal shift is not possible, to ensure the use of routes identified as most suitable, local planning authorities should encourage the location or relocation of distribution and operating centres to sites which have good access to suitable railheads, wharves, harbours and these identified routes. The same applies to other developments generating frequent freight movements. Local distribution or 'break bulk' centres should be encouraged to facilitate efficient 'last mile' delivery of freight using smaller and lower emission vehicles.

Provision and management of transport infrastructure

Local authorities should work collaboratively with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure and public transport services necessary to support sustainable economic growth, increased travel choice and modal shift, including:

- *large scale facilities such as Rail Freight Interchanges and road side facilities for motorists to support the safety and welfare of the road user and where appropriate provide for car sharing and wider access to public transport*
- *transport investment necessary to support strategies for the sustainable growth of ports, water-based freight, airports or other major generators of travel demand in their areas;*
- *upgraded and new public transport routes and services*
- *enhancement and extension of active travel networks to provide safe, attractive and convenient access within and between settlements as well as to the surrounding countryside.*

When planning for ports, airports and airfields that are not subject to a separate national policy statement, planning policies should consider their role in serving business, leisure, training and emergency service needs. In doing this, planning policies should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation, which should take priority for aviation related developments.

Planning decisions should consider whether Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of a development. Mitigation measures, such as 'trip credits' should be agreed with highway authorities and transport providers, to ensure new developments lead to no net detriment to safety or in overall network performance, including journey times and connections, emissions reduction and accessibility.

Local plans should provide a clear spatial policy framework for achieving local authority road traffic reduction targets. Local planning authorities should work collaboratively to utilise available powers to reduce the need to use trunk roads and other major through routes particularly for short, local journeys. Local planning authorities should identify and protect sites and routes which could be critical in developing infrastructure to deliver modal shift and widen transport choice, where there is a reasonable prospect of such use.

Design, impacts and standards of development in relation to transport

In order to secure modal shift and widen travel choice (including making shorter trips or being able to avoid making a journey altogether), planning strategies should make sustainable travel options more attractive and competitive. Therefore, developments should be located and designed (including in relation to their density) to:

- *create a high quality, attractive public realm and streets that control speeds naturally, are safe for all users and are not dominated by motor vehicles*
- *ensure that sustainable modes are given competitive advantages, such as through ensuring they are prioritised with high quality, direct routes, to secure modal shift*
- *facilitate the viability and effectiveness of public transport services and ensure good access to them*
- *accommodate the efficient delivery of goods and supplies*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *make reasonable provision for the needs of disabled people by all modes of transport.*

All developments that generate significant amounts of movement, as determined by local criteria, should be supported by a Transport Assessment that shows how these objectives have been satisfied. In other cases a Transport Statement should be produced unless motor traffic from a development is likely to be insignificant.

A key tool to facilitate these objectives will be a Travel Plan that sets out aspirations for modal split. All developments which generate significant amounts of movement, as determined by local criteria, should be required to provide a Travel Plan. In other cases a Travel Plan should be encouraged. Travel Plans should set out credible long-term mechanisms to assist the achieving of their aspirations.

When setting local standards for residential and non-residential development, in particular

minimum levels of cycle parking and maximum levels for car parking, local planning authorities should work collaboratively with neighbouring authorities and take into account:

- *the type, mix and use of development*
- *the relative accessibility of the development by a range of transport modes*
- *the need to make sustainable transport modes more competitive in order to secure modal shift, particularly where there is good accessibility by these modes; and*
- *likely trends in local car ownership and the scope for car clubs.'*

Minerals

Paragraph 100, before first bullet insert:

- *'to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage'*

Paragraph 100, after first bullet insert:

- *'to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances;*
- *to promote the transport of minerals by sustainable modes, namely rail, sea or inland waterways;*
- *to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses;'*

Paragraph 102, bullet point one, reword as follows:

'...World Heritage sites, Scheduled Monuments and Conservation Areas.'

Housing

Reword paragraphs 107 - 113 of the draft NPPF as follows:

'Objectives

107. *Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:*

- *delivering a sufficient supply of housing to meet identified need*
- *delivering a wide choice of high quality homes that people want and need*
- *implementing a sequential approach to allocating land for housing*
- *widening access to home ownership and secure tenancy; and*
- *creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.*

108. *To enable this, the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the spatial principles and other policies of this Framework.*

Meeting housing need

109. *To ensure that housing need is met in line with the presumption in favour of sustainable development, local planning authorities should:*

- *implement a plan, monitor and manage approach to housing development. A sound evidence-base should be used to monitor and manage land supply to ensure that there is neither an undersupply nor oversupply against recorded need for affordable and market housing*
- *use a sequential approach to allocating land for housing development, whereby previously-developed land, where suitable, available and in appropriate locations, is reused before greenfield site.*

- use urban capacity studies as an evidence base for establishing a locally appropriate indicative target in the Local Plan for the proportion of housing to be delivered on previously-developed land
- identify and maintain a rolling supply of specific deliverable¹⁷ sites sufficient to provide five years worth of housing against their agreed housing needs.
- identify a supply of specific, developable¹⁸ sites or broad locations for growth, for years 5-10
- where justified make allowance for windfall sites in the first 10 years of supply, and in the rolling five-year supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends
- illustrate the expected rate of housing delivery through a housing trajectory for the plan period and, for market housing, set out a housing implementation strategy describing how they will maintain delivery of a five-year supply of housing land to meet their housing target
- set out their own approach to housing density based on local circumstances that will ensure the efficient use of land. High or medium density development should generally be preferred to low density; and
- identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.

110. The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that the most appropriate sites are allocated for development. For example, the use of suitable vacant land within urban areas for housing development can assist regeneration in those areas and at the same time relieve pressure for development in the countryside. But a balance has to be struck between the need for development and the interests of conservation and the need to minimise the need to travel. Previously developed land that is now of high biodiversity value, or a remote previously developed site with poor transport connections, should not be considered sustainable locations for development.

Deliver a wide choice of quality homes

111. To deliver a wide choice of quality homes and widen opportunities to home ownership and secure tenancies, local planning authorities should:

- plan for a mix of housing drawing on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, the elderly and people with disabilities)
- set site size thresholds which reflect local need for affordable housing, over which a certain proportion of housing delivered must be affordable
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local need; and
- where they have identified need for affordable housing, set policies for meeting this need on site. In exceptional circumstances off-site provision or a financial contribution of broadly equivalent value may be considered but only where it can be robustly and transparently justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

112. In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. Local authorities should identify small sites solely for the provision of affordable housing in smaller rural settlements where there is a proven need.

¹⁷ To be considered deliverable, sites should at the point of adoption of the Local Plan be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable i.e. that it would provide acceptable returns to a willing landowner and a willing developer based on current values and taking account of all likely infrastructure, standards and other costs.

¹⁸ To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Where this is not possible through the plan-making process, local planning authorities should use a Rural Exception Site policy. This allows small sites to be allocated solely for affordable housing where policies of restraint would normally apply. Rural Exception Sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

To promote sustainable development, local services should be accessible to new housing in rural areas.

113. However, local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:

- the essential need for agricultural workers to live permanently at or near their place of work in the countryside;*
- where development would ensure the future of at risk heritage assets and such use represented the buildings' optimum viable use; or*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.'*

Design

Paragraph 114: reword final sentence as follows:

'This is a key element in achieving sustainable development so a development could be refused on design grounds alone.

Paragraph 116 should be amended to state:

'... evaluation of its present defining characteristics, including its historic character.'

Paragraph 117 should be reworded as follows:

'Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, materials, landscape...'

Paragraph 118: insert the following wording at the end:

'It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies and supplementary planning documents on design'.

Paragraph 121: delete 'of obviously poor design'.

Paragraph 123: reword as follows:

'Advertisements should be subject to strict control in the interests of amenity (the impact of the advertisement, also taking account of cumulative impact, on the visual character of its surroundings) and public safety (its effect upon the safe use and operation of any form of traffic or transport, including pedestrians). Outdoor advertisements are inappropriate in the countryside where 'areas of special control' mostly apply and alongside major roads for public safety as well as amenity reasons. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. In urban areas, only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.'

Sustainable communities

Reword paragraphs 131 and 132 as follows:

'131. The Local Green Space designation should only be used:

- where the green space is in reasonably close proximity to a centre of population or urban area*
- where the green area is demonstrably special to the community and holds a particular significance because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife*

- *where the green area concerned is local in character, or on extensive tracts of land provided all relevant local authorities agree that the green space has strategic significance; and*
- *if the designation does not overlap with Green Belt.*

132. *All forms of built development on a Local Green Space will, by definition, be harmful to the Local Green Space and should not be approved unless:*

- *they preserve the openness of the Local Green Space and do not conflict with the purposes of designating it; or*
- *there are very special circumstances outweighing the harm to the green space.'*

Green Belt

A national map showing current designated areas of Green Belt in outline form should be included and cross-referenced in the NPPF, similar to that which appears in the current PPG2.

Paragraph 133: a sentence should be added following on the opening one stating: *'It has been shown that Green Belts are effective in managing patterns of urban development and providing many of the benefits of attractive countryside close to large towns and cities'*. A sentence should be added at the end stating *'The quality of land in the Green Belt is not a factor in its designation or continued protection'*.

Paragraph 135: after 'of the Green Belt' reword as follows: *'such as looking for opportunities to encourage sustainable agriculture (including the production of food for local markets) and forestry; provide access; provide carbon sinks and urban heat mitigation; provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged and derelict land.,*

Paragraph 136: in the sentence beginning 'The general extent', add 'existing' before 'Green Belts'. The sentence beginning 'it should not be necessary...' to designate new Green Belts should be deleted.

Paragraph 139: Sentence beginning 'When drawing up or reviewing boundaries' add a bullet to the list stating *'demonstrate consistency with Local Plans for adjoining areas, particularly those which cover or adjoin the same designated Green Belt'*.

Paragraph 141 should be reworded as follows: *'If it is necessary to prevent development in a village, the village should be included in the Green Belt. If limited development or expansion is proposed, this should be set out in development plan policies and the village should be excluded from the Green Belt.'*

Paragraphs 142-147: this covers the 'control over development' section of PPG2 and should use this as a subtitle.

Paragraph 142: Add at beginning of paragraph: *'There is a presumption against inappropriate development in the Green Belt.'*

Paragraph 144: At end of sentence beginning, 'A local planning authority should regard', add *'and as a departure from the development plan'* as in paragraph 3.3 of the current PPG2.

Paragraph 144: alter the first and fifth bullets, respectively, as follows:

- *essential buildings that are directly related to the activities of agricultural and forestry businesses;*
- *limited infilling in villages, or limited affordable housing for local community needs, under policies set out in the Local Plan'*

Paragraph 145: alter third bullet as follows:

- *'local transport infrastructure that is critical to widen transport choice and secure a shift to more sustainable modes of travel and that can demonstrate a requirement to be sited in Green Belt in order to do this'*

Climate change, flooding and coastal change

Paragraph 148: reword opening text and first bullet as follows:

‘The Government’s objective is that planning should positively support the transition to a low carbon economy in a changing climate, integrating considerations of flood risk, coastal change and policies within this Framework on the protection of the landscape. To achieve this objective, planning policies and decisions should aim to:

- secure, consistent with the Government’s published objectives, radical reductions in greenhouse gas emissions, through the appropriate location, layout and achievement of high energy efficiency standards in new development, and active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure*

Paragraph 151: insert the following new paragraph before the next sub-heading:

‘Local planning authorities should seek, where appropriate, the reuse and modification of heritage assets, consistent with their conservation requirements, so as to reduce carbon emissions. Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.’

If this wording is not added to the climate change section it should be stated in the historic environment section on the NPPF.

Paragraph 152, bullet point two, reword as follows:

‘design their policies to promote renewable and low-carbon energy development whilst ensuring development proposals demonstrate how any environmental and social impacts have been minimised through careful consideration of location, scale, design and proximity to other developments’.

Paragraph 161, bullet point two, reword as follows:

‘the character of the undeveloped coast any designations are not compromised’.

Natural Environment

A national map showing currently designated Heritage Coasts, National Parks and Areas of Outstanding Natural Beauty in outline form should be included and cross-referenced in the NPPF.

Reword paragraphs 163 to 165 as follows:

‘163. The Government’s objective is that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing. The Government has set out its policy objectives in the Natural Environment White Paper and local plans should support these objectives. Local planning authorities should ensure that the natural environment, including all the countryside, is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources including soil and food production capacity, and to ensure it may be enjoyed by all.

164. To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment as a whole by:

- preferably avoiding, or minimising, impacts on biodiversity and landscape,*
- providing net gains in biodiversity and countryside quality, and supporting the growth of ecological networks; and*
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.*

165. In preparing plans to meet development requirements, the aim should be to avoid (the preferred option) or minimise adverse effects on the local and natural environment.’

Before paragraph 167, rename the title as: ‘Protect and enhance landscape’.

Reword paragraph 167 as follows:

'167. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.*
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast. Development rarely needs a coastal location and should only take place on the undeveloped coast in exceptional circumstances.*
- set policies to ensure the protection and enhancement of particularly important or locally valued areas of landscape, where these have been rigorously assessed, and can be justified in accordance with their significance and the presumption in favour of sustainable development. Local or strategically important green spaces should be protected using the Local Green Space designation (see below).*
- protect the best and most versatile land as a national resource for future generations. Local planning authorities should also work with other relevant agencies to plan positively for such land to achieve a range of benefits, in particular increased biodiversity and countryside quality, alongside sustainable food production. It should be developed only exceptionally and when opportunities have been fully assessed for accommodating development needs on previously developed land.*
- give the highest status of protection in relation to landscape and scenic beauty to National Parks, the Broads, and Areas of Outstanding Natural Beauty. The conservation of the natural beauty of the landscape and countryside, including considering the impact of a proposal on the setting of the designated areas, should therefore be given great weight in planning policies and development control in these areas. The conservation of wildlife and cultural heritage should also be given great weight in all these areas.*

Planning permission should be refused for major developments in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of such applications should be subject to the most rigorous examination and include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the economic and social well-being on the area*
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated; and*
- the environmental standards to which any proposed development will be carried out. High environmental standards should be expected if any development is granted planning permission.'*

Paragraph 168, second bullet, insert 'hedgerows' after 'national and local sites of importance for biodiversity'.

Paragraph 169, fourth bullet, insert 'hedgerows or' before 'irreplaceable habitats'.

Paragraph 173: reword third bullet as follows:

- 'identify, protect and enhance areas of tranquillity which have remained relatively undisturbed by noise or visual intrusion and are valued for their recreational and amenity value for this reason.'*

Glossary; amend definition of 'pollution' as follows:

'Pollution: Any consideration of the quality of land, air, water, soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

Heritage

Paragraph 177: reword first sentence as follows:

'To deliver sustainable development by ensuring that policies and decisions concerning the historic environment:'

Paragraph 177: Insert the following bullet points after the current two:

- *'recognise that heritage assets are a non-renewable resource*
- *take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and*
- *where possible, put heritage assets to an appropriate and viable use consistent with their conservation.'*

Paragraph 178: insert the following bullet points:

- *'the historic character of an area*
- *that there may be as yet unidentified heritage assets, including, but not exclusive, to those with archaeological interest.'*

Paragraph 179: reword after 'areas' as follows:

'...local planning authorities should ensure that an area justifies such status on the grounds of its special interest.'

Following paragraph 180 a new paragraph should be inserted which reads:

'While every effort should be made by local planning authorities to predict the likelihood of currently unidentified heritage assets, it should be recognised that some heritage assets and/or the level of significance of some assets will only be revealed as they are uncovered.'

Paragraph 181: reword as follows:

'Local planning authorities should identify and assess the particular significance of any heritage asset, including those on local lists, that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take account of the available evidence and any necessary expertise, including seeking advice from heritage amenity societies as appropriate'

Following paragraph 182 a new paragraph should be inserted which reads:

'In weighing applications that affect or indirectly affect heritage assets, regard should be given to the impact of incremental change to that asset and/or its setting.'

Following paragraph 183 an additional paragraph should be inserted as follows:

'Harm can be caused by development within the setting of a heritage asset as well as by direct impact. Where harm is proposed to the setting of a designated heritage asset, particular justification will be required, including evidence that any significant harm is outweighed by the benefits of the development'

Following paragraph 184 an additional paragraph should be inserted as follows:

'Less than substantial harm should be weighed against the public benefits of the proposal. While recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss, change to enable the optimum viable use that best secures the asset's future conservation is a public benefit.'

Paragraph 187: reword beginning as follows:

'Loss, or substantial loss, of a building...'

Paragraph 188: No additional text is suggested but it is recommended that this paragraph is split in two after the wording *'...Conservation Areas and World Heritage sites.'* This will make it clear that

the second sentence refers to all heritage assets, not just Conservation Areas and World Heritage Sites.

Footnote 17: reword as follows:

'The principles and policies set out for the historic environment in the NPPF apply to the heritage-related consent regimes'

CPRE
October 2011

**CAMPAIGN TO PROTECT RURAL ENGLAND
DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

ADVICE

1. I have been asked to advise on a number of matters that arise from the consultation draft of the proposed National Planning Policy Framework (NPPF).
2. The first point concerns the emphasis given in the NPPF to the “presumption in favour of sustainable development”. This is stated by the Minister in his foreword as “the basis for every plan, and every decision”. The NPPF itself, at paragraph 14, refers to it as “a golden thread running through both plan making and decision taking”.
3. The reference to a presumption in favour development is not novel. It was set out in Circular 14/85 and carried into PPG1, published in 1988. However this presumption was displaced by the enactment of section 54A in the Planning and Compensation Act 1991, which effectively introduced a presumption in favour of the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 currently provides the statutory underpinning for the plan-led system of development control.
4. Although the NPPF does state that “planning should be genuinely plan-led (paragraph 19), there does seem to me to be the potential for confusion arising from the approach which the NPPF adopts. In paragraph 14 it also states that

permission should be granted where the plan is “absent, silent, indeterminate or where relevant policies are out of date”. The NPPF goes on in paragraph 19 to say that “decision-takers at every level should assume that the default answer to development proposals is “yes”.” Permission should only be refused when “the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole” (paragraph 14), or would “compromise the key sustainable development principles set out in this framework” (paragraph 19).

5. In my opinion this approach will make it relatively easy to side line the development plan and thus effectively weaken the plan-led system. There is likely to be a considerable hiatus between the promulgation of the NPPF and the adoption of approved plans. During this period, when the plan is “absent” planning authorities are required to grant permission. Moreover, even when a plan has been adopted it may well be possible to establish that it is “silent, indeterminate or ... out of date”, simply because the proposals under consideration were not considered at the time the plan was drawn up, or because circumstances have altered, e.g. in relation to the housing figures. In such a case the NPPF makes it clear that a presumption in favour of development applies: the default answer is “yes”, except where this would compromise the key sustainable development principles set out in the framework.
6. The problem with this is that the “key sustainable development principles” are not easy to identify or extract from the text of the NPPF. The NPPF does not provide a clear definition of what it means by sustainable development, or indeed any clear statement of what are the sustainable development principles to which it refers. In the section headed “delivering sustainable development” it includes a

reference to the well-known definition produced by the Brundtland commission. The three subheadings in paragraph 10: planning for prosperity, people and places, which emphasised the need for growth as well as the protection of the environment, do not provide a coherent set of sustainable development “principles”. Consequently there is an ambiguity which permeates the NPPF, and which is likely to lead to uncertainty in its application, with a consequent increase in the number of appeals. One area which illustrates the potential for confusion is in relation to transport policy. At paragraph 82 it is explained that “transport policies have an important role to play in facilitating development but also in contributing to wider sustainability and health objectives.” At paragraph 86 the NPPF states that, among other factors, decisions should consider whether

“Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Subject to those considerations, development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account.”

7. Although this guidance is perhaps somewhat ambiguous, it does appear to indicate that, even where there are transport problems that need to be overcome, permission should nevertheless be granted, unless the local planning authority can establish that the problems are “severe”. In such circumstances the presumption will be difficult to displace, with permission being granted for development that involves unsatisfactory, unresolved and potentially dangerous transport issues that nevertheless fall short of being judged “severe”.
8. In relation to the Green Belt the NPPF states in paragraph 133 that the Government attaches “great importance to Green Belts”. Current policy in relation to Green Belts is contained in PPG2 which provides at paragraph 31:

“There is ... a general presumption against inappropriate development within them.” The NPPF at paragraph 142 expresses the guidance somewhat differently: “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in various special circumstances”. The presumption against inappropriate development in the Green Belt, which applies now, will not therefore be applicable once the NPPF is promulgated. In my opinion this is a significant change which may weaken the protection that applies to Green Belts.

9. At the time when, in accordance with Circular 14/85 and PPG1, the presumption in favour of development applied, difficulty was experienced in reconciling that presumption with the general presumption against inappropriate development in the Green Belt. In two cases it was held¹⁹ that the fact the site was in the Green Belt did not of itself disapply the presumption in favour of development, nor provide a sound and clear-cut reason for refusal. This difficulty was eventually resolved by the Court of Appeal in *R v. Secretary of State for the Environment ex parte Pehrsson* [1991] 61 P&CR 266, which held that the combined effect of the two presumptions was that if the proposed development was in the Green Belt and was of a nature which was of a nature which was inappropriate, it was one which by definition caused demonstrable harm to an interest of acknowledged importance, and it thus became incumbent on the applicant to show that the advantages of the particular development in the particular circumstances outweighed the harm.²⁰ The concern in relation to the NPPF is that the removal of the presumption against inappropriate development puts the situation back in a pre- *Pehrsson* position. There will be no countervailing presumption to weigh

¹⁹ *Cranford Hall Parking Limited v. Secretary of State for the Environment* [1989] JPL 169 and *Barnet Meeting Room Trust v. Secretary of State for the Environment* [1989] EGCS 141.

²⁰ See Encyclopaedia of Planning Law Volume 2 Note P.70.41.

against the presumption in favour of development. It is by no means clear therefore, as it is at the moment in accordance with the existing presumption against inappropriate development, that the burden is upon the applicant to demonstrate that very special circumstances exist which justify the grant of planning permission, notwithstanding the site's Green Belt status.

10. In my opinion if the government do indeed wish to carry forward the protection of the Green Belt to the same degree as at present, the express presumption against inappropriate development in the Green Belt should be reinstated.

11. The NPPF also includes policies in relation to the natural environment. There is one aspect which appears to introduce a departure from previous policy. Policy EC6 in PPS4 states that the countryside should be protected "for the sake of its intrinsic character and beauty". Recognition of the importance of protecting the countryside for its own sake is not included in the NPPF. Paragraph 173 puts it differently and states that "planning policies and decisions should aim to ... identify areas of tranquillity which have remained relatively undisturbed by noise and are *prized for their recreational and amenity value for this reason*" (my emphasis). This implies that justification for protection will rest on the ability to demonstrate in every case that an area has some value which is "prized", and it will no longer be enough to rely on the area's own intrinsic character for its protection. This is a departure from previous policy and if it transpires that this is indeed its effect, it will represent a significant weakening of countryside policy.

12. A final point I should add is with reference to the certificate of conformity referred to in paragraph 26. This provides that it will be open to local planning authorities to seek a certificate of conformity with the NPPF. However, it is not

clear what the statutory basis for such a certificate would be, who would issue it and also as to its duration. In the absence of more information it is difficult to see what the effect of such a certificate will be.

13. In conclusion, I consider that although the NPPF is intended to provide a framework for the delivery of sustainable development, it does not set out with any clarity what are the “key sustainable development principles” which are intended to govern planning decision-making. Moreover, the operation of this presumption is likely to weaken the plan-led approach to deciding whether or not to approve development. In certain respects, notably in relation to Green Belts and the wider countryside, the level of protection presently accorded to such areas may well be significantly weakened.

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JOHN HOBSON QC

11 October 2011

ANNEX 2: SUPPORTING TABLES AND FIGURES

Table 1: Previously developed (brownfield) land (PDL) available by region 2001-09 (hectares)

Region	PDL available in 2009	PDL available in 2001	PDL gain/ (loss) 2001-9	Use of PDL for housing 2001-9	Turnover of PDL 2001-9
North East	2,030	1,740	290	919	1,209
North West	5,110	3,950	1,160	2,959	4,119
Yorkshire and the Humber	2,420	2,510	(90)	2,433	2,343
East Midlands	2,770	2,910	(140)	2,311	2,171
West Midlands	2,120	2,610	(490)	2,273	1,783
East of England	4,290	4,480	(190)	3,356	3,166
London	3,580	2,470	1,110	1,809	2,919
South East	5,410	4,750	660	4,784	5,444
South West	3,430	2,640	790	2,492	3,282
ENGLAND	31,160	28,060	3,100	23,368	26,468

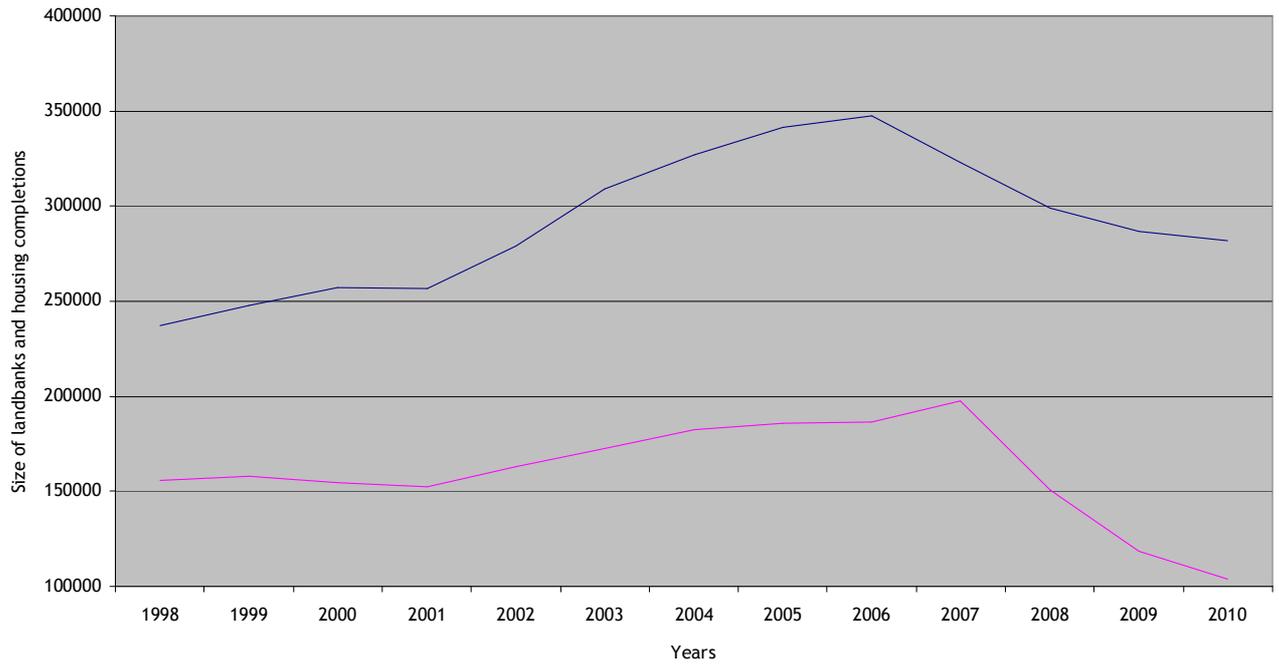
Prepared by Green Balance for CPRE using figures from the National Land Use Database (October 2011).

TABLE 2: NUMBERS OF PLANNING APPEALS IN 2010/11 COMPARED TO THE LATE 1980s

Year	Number of planning applications received (000s)	Number of appeals received	Number of appeals decided	Number of appeals withdrawn	Number of appeals allowed	% of appeals allowed as proportion of those decided
1986/7	536	19,856	15,613	2,533	6,208	39.8
1987/8	598	22,482	18,474	3,173	6,955	37.6
1988/9	681	28,659	21,061	4,257	7,734	36.7
1989/90	627	32,281	26,481	4,627	8,852	33.4
1990/1	530	26,692	26,393	3,907	8,871	33.6
2010/11	483	16,549	15,838	526	5,194	32

Source: DOE, Development Control Statistics: England, 1995/96 and Planning Inspectorate, Statistical Report: England 2010/11.

Table 3: Housebuilders' landbanks and housing completions



Top line is landbank size expressed in number of plots (equivalent to a dwelling); bottom line is number of housing completions. Sources: CLG housing statistics live table 241 and annual report data issued by the following companies (names shown separated by / have merged with each other during the period shown in the figures): Barratt; Beazer / Persimmon / Prowting / Westbury; Bellway; Berkeley; Bovis; Bryant / Taylor Woodrow/ Wilson Connolly / Wimpey; Countryside; Crest Nicholson; McCarthy & Stone; Miller; Redrow; Wilson Bowden.